



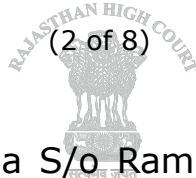
Reportable

**HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR**

D.B. Civil Writ Petition No. 23126/2025

CNR: RJHC011092552025 | URN: CW / 41432U / 2025

1. Kashif Khan S/o Mohd Hussain, Aged About 37 Years, R/o C 29 Extension 1St, Kamla Nehru Nagar, Jodhpur (342001), Rajasthan.
2. Mukesh Saini S/o Hari Narayan Saini, Aged About 32 Years, R/o Veer Hanuman Ji Ka Rastha Ringus Road Chomu, Jaipur (303702) Rajasthan.
3. Adarsh Vyas S/o Tej Karan Vyas, Aged About 33 Years, R/o Manawato Purohito Ki Gali, Lalani Vyas Chowk, Bikaner (334001) Rajasthan.
4. Vishal Khatri S/o Radhakishan, Aged About 31 Years, R/o Khatrio Ka Bas, Near Girls School, Tinwari, Jodhpur (342306) Rajasthan.
5. Suraj Rathore S/o Tara Chand, Aged About 30 Years, R/o 193,sardar Patel Nagar, Pali (306401) Rajasthan.
6. Hariom Meena S/o Hari Singh Meena, Aged About 24 Years, R/o Vpo Mannauj Teh Todabhim Karauli Mannauj, (321611) Rajasthan.
7. Sajjan Singh Gurjar S/o Laxman Prasad Gurjar, Aged About 30 Years, R/o Vpo-Khairwal Khairwal, Dausa (303303) Rajasthan.
8. Pooja Nayama D/o Ramesh Chandra, Aged About 28 Years, R/o Vil Bhattkotri Post Badoli Madhosingh Tehsil Nimbahera, Chittorgarh (312601) Rajasthan.
9. Yashraj Gupta S/o Umesh Kumar Gupta, Aged About 25 Years, R/o 1/138, Neb, Housing Board, Daudpur, Alwar, Rajasthan (301001) Rajasthan.
10. Ankit Kumar Meena S/o Harkesh Meena, Aged About 29 Years, R/o Vpo -Dolika, Tehsil- Sikrai Dolika, Dausa (303326) Rajasthan.
11. Naveen Nath S/o Suresh Kumar Nath, Aged About 36 Years, R/o 4/453 H.b. Colony Goverdhan Vilas Sector 14, Udaipur (313001) Rajasthan.
12. Pawan Chittora S/o Ghanshyam, Aged About 31 Years, R/o Bank Of India Ke Pass Barundhan, Bundi (323001) Rajasthan.
13. Om Prakash Saini S/o Ashok Kumar Saini, Aged About 31 Years, R/o Raj Takies Ke Piche, Saini Nagar, Tonk (304001) Rajasthan.
14. Alex Peter S/o Cecil Peter, Aged About 32 Years, R/o A-251 Saraswati Nagar Basni, Jodhpur (342001) Rajasthan.
15. Abhishek Prajapat S/o Achal Lal Prajapat, Aged About 32 Years, R/o 56, Meghwal Basti, Masuria, Jodhpur (342003) Rajasthan.



16. Prince Kumar Meena S/o Ramkishan Meena, Aged About 30 Years, R/o 183 Meena Basti Talchhera Nadbai, Bharatpur (321614) Rajasthan.
17. Anil Kumar S/o Rameshwar Lal, Aged About 35 Years, R/O 255, Kayamkhani Mohalla, Village- Balod Badi, Fatehpur Shekhawati, Sikar (332305) Rajasthan.
18. Somveer S/o Mahaveer Singh, Aged About 36 Years, R/o Village Mehriya Post Sherda Tehsil Bhadra, Hanumangarh (335503) Rajasthan.
19. Ajay Meena S/o Sitaram Meena, Aged About 36 Years, R/o Plot No 30 Prabhu Pradhan City B-Block, Jagatpura, Jaipur (302017) Rajasthan.
20. Subhash Dagar S/o Ram Lal Dagar, Aged About 32 Years, R/o Jorla Ki Dhani, Via Morija Teh Chomu Chithwari, Jaipur (303805) Rajasthan.
21. Rajveer Singh Gurjar S/o Prabhoo Dayal, Aged About 31 Years, R/o Village Kheri Ghatiya Post Thana Dang Tehsil Bayana, Bharatpur (321401) Rajasthan.
22. Abhishek Bishnoi S/o Radhey Shyam, Aged About 33 Years, R/o Ward No 21 Gurunanak Basti Near S 1 School Sangaria, Hanumangarh (335063) Rajasthan.
23. Jai Kishan Saini S/o Kailash Chand Saini, Aged About 33 Years, R/o 182 Police Ka Mohalla, Chhawani, Neem Ka Thana, Sikar (332713) Rajasthan.
24. Sunil Kumar Meena S/o Giriraj Meena, Aged About 32 Years, R/o 128 Bajrang Nagar, Police Line, Kota (324001) Rajasthan.
25. Vinod Doi S/o Chandra Prakash Doi, Aged About 31 Years, R/o H.no. 52, Shakun Green City, Kota Road Jhalawar, (326001) Rajasthan.
26. Manmohan Vyas S/o Kamalnarayan Vyas, Aged About 32 Years, R/o 73 Murlidhar Vyas Colony, Bikaner, (334004) Rajasthan.
27. Rahul Khatik S/o Suresh Chandra Khatik, Aged About 25 Years, R/o R-109, Vijay Singh Pathik Nagar, Behind Sdm Girls College Bhilwara, (311001) Rajasthan.
28. Maneesh Kumar Saini S/o Kaluram Saini, Aged About 36 Years, R/o Ward No 23 Police Ka Mohalla Chhawani Neem Ka Thana, Sikar (332713) Rajasthan.
29. Mahaveer S/o Makana Ram, Aged About 33 Years, R/o 78 Pratap Nagar, Pali (306401) Rajasthan.
30. Yatish Jangid S/o Mahesh Jangid, Aged About 23 Years, R/o Village Shrirampura, Post Lakhna, Teh. Sanganer Jaipur, (302029) Rajasthan.
31. Ashish Rathore S/o Radhey Shyam Rathore, Aged About 33 Years, R/o R Qwatr, Village- Todra Post - Phalodi Quarry, Pincode - 322026, District- Sawai Madhopur.

-----Petitioners





Versus

1. The High Court Of Judicature For Rajasthan At Jodhpur, Through Registrar General, Rajasthan High Court, Jodhpur.
2. Registrar, (Examination / Administration), Rajasthan High Court, Jodhpur.
3. Registrar Judicial, Rajasthan High Court, Jodhpur.
4. The Secretary / Officer-In-Charge, Recruitment / Establishment Section, Rajasthan High Court, Jodhpur.

-----Respondents

For Petitioner(s) : Mr. Rahul Sharma
Mr. Pawan Kumar Patel

For Respondent(s) : Mr. S.P. Sharma

HON'BLE THE CHIEF JUSTICE MR. SANJAY K. AGRAWAL
HON'BLE MR. JUSTICE BALJINDER SINGH SANDHU

Order

06/10/2026

1. The petitioners have filed this writ petition under Article 226 of the Constitution of India, seeking a writ of mandamus directing the respondents to operate the reserve/waiting list and forthwith appoint the petitioners against the posts of System Assistants which have fallen vacant on account of non-joining/resignation of candidates selected pursuant to Advertisement No. R.H.C. Jodhpur/Examination Cell/System Assistant/2023/2313 dated 18.12.2023. The petitioners have sought the following reliefs:-

"(a) Issue a writ of mandamus or any other appropriate writ, order or direction directing Respondents to operate the reserve / waiting list and forthwith appoint the petitioners against the posts of system Assistant which have become vacant on account of resignation, in pursuance of Advertisement No. R.H.C. Jodhpur./ Examination Cell / System Assistant / 2023 / 2313 dated 18.12.2023.



(b) Pass an interim direction pending final hearing of this petition (I) restraining Respondents from filling the vacancies by any fresh advertisement or fresh recruitment process; and / or (ii) directing the Respondents to keep the vacant posts vacant and not to fill them otherwise than by appointing waiting list candidates, till this petition is finally adjudicated.

(c) grant such other and further reliefs as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case and award costs. "

2. Learned counsel for the petitioner would submit that the case of the petitioners is that they are meritorious candidates who participated in the recruitment process conducted by respondent No.1-High Court for appointment to the post of System Assistant pursuant to the aforesaid advertisement. The result of the selection process was declared on 11.02.2025, comprising a consolidated merit list of 230 candidates as well as a reserve/waiting list. Thereafter, appointment orders were issued to the selected candidates vide Annexure-5. It is submitted that some of the selected candidates did not join pursuant to their appointment orders, whereas some candidates, after joining the post, subsequently resigned. It is, therefore, contended that the vacancies so caused ought to be filled up by operating the reserve/waiting list and appointing the petitioners against such vacancies.

3. Learned counsel for the petitioners would further submit that as many as 68 candidates have resigned from the post after their appointment and joining and, therefore, the reserve/waiting list ought to be operated for filling up the resultant vacancies. It is further contended that the petitioners, being candidates placed in



the reserve/waiting list, are entitled to be considered for appointment against the vacancies which have arisen during the currency of the selection process. On these premises, learned counsel for the petitioners prays that appropriate directions be issued to the respondents to operate the reserve/waiting list and appoint the petitioners against the available vacancies.

4. Learned counsel for the respondent would submit that the result of the selection process was declared on 11.02.2025 and, thereafter, appointment orders were issued to the selected candidates. Out of the 230 selected candidates, 220 candidates joined their respective posts, whereas 10 candidates did not join. Consequently, after issuance of notices and cancellation of their appointments on account of non-joining, the 10 resultant vacancies were declared vacant and appointment orders were thereafter issued to nine candidates from the reserve list. Out of the said nine candidates, five candidates joined their respective posts.

5. Learned counsel for the respondent would further submit that out of the 230 selected candidates, 220 candidates joined their respective posts and, thereafter, 68 candidates resigned after having served for some period. He would further submit that the vacancies arising on account of resignation after joining constitute fresh vacancies and cannot be filled up from the reserve/waiting list prepared pursuant to the earlier selection process. Such vacancies are required to be filled up by initiating a fresh recruitment process in accordance with law.



6. Learned counsel for the respondent would further submit that no specific period for the operation or validity of the reserve/waiting list has been prescribed under the Rajasthan Staff Services Rules, 2002. It is contended that a candidate included in the reserve/waiting list does not acquire an indefeasible or vested right to appointment merely by virtue of his/her inclusion therein. Reliance has been placed upon the judgment of the Supreme Court in ***Sudesh Kumar Goyal Vs. The State of Haryana & Ors.***, reported in **(2023) 10 SCC 54**, in support of the submission that a vacancy arising on account of resignation of a candidate who had already joined pursuant to the selection cannot be filled up from the reserve/waiting list of the earlier selection and is required to be filled up by undertaking a fresh selection process.

7. We have heard learned counsel for the parties, considered their rival submissions and perused the material available on record with utmost circumspection.

8. The principal question which arises for consideration in the present writ petition is whether the vacancies which have arisen on account of non-joining of selected candidates and, particularly, on account of resignation of candidates who had already joined pursuant to the selection process in question, can be filled up by operating the reserve/waiting list prepared pursuant to the said selection process.

9. The issue with regard to a vacancy arising on account of resignation of a candidate after joining pursuant to a selection



process is no longer res integra. The Supreme Court, in *Sudesh Kumar Goyal Vs. The State of Haryana & Ors.*, (supra), while considering a similar issue, held as under:

"18. This takes us to the second argument that the appellant could have been easily adjusted against the vacancy caused due to resignation of one of the selected candidates. The argument per se is bereft of merit inasmuch as all the vacancies notified stood filled up initially. However, if one of the selected candidates joins and then resigns, it gives rise to a fresh vacancy which could not have been filled up without issuing a proper advertisement and following the fresh selection process. The Division Bench has rightly dealt with the above contention in the light of the precedent of the various decisions of this Court and we do not feel that any error has been committed in this context."

10. The principle laid down by the Supreme Court is clear. Once a candidate selected against an advertised post joins pursuant to the selection process and subsequently resigns, the vacancy caused by such resignation is a fresh vacancy. Such vacancy cannot ordinarily be filled up by operating the reserve/waiting list prepared pursuant to the earlier selection process, particularly when all the vacancies notified under the original advertisement had already been filled up. Such fresh vacancy is required to be filled up by undertaking a fresh recruitment process in accordance with law.

11. In the present case, it is not in dispute that the 68 candidates in question had joined pursuant to the selection process and subsequently resigned. Thus, the vacancies arising on account of their resignation are fresh vacancies and cannot be treated as vacancies remaining unfilled pursuant to the original



advertisement. Consequently, the petitioners, merely by virtue of their inclusion in the reserve/waiting list, cannot claim a right to appointment against such vacancies.

12. In view of the aforesaid legal position, we find no substance in the contention of the petitioners that the respondents are required to operate the reserve/waiting list for filling up the vacancies caused on account of resignation of candidates who had already joined pursuant to the selection process. The respondents have rightly declined to appoint the petitioners against such vacancies.

13. We do not find any merit in the present writ petition and the same is, accordingly, dismissed. Pending application(s), if any, stand disposed of.

(BALJINDER SINGH SANDHU),J

(SANJAY K. AGRAWAL),CJ

1/Sudhir Choudhary