



[2026:RJ-JP:35855-DB]



**HIGH COURT OF JUDICATURE FOR RAJASTHAN  
BENCH AT JAIPUR**

D.B. Special Appeal Writ No. 79/2025  
CNR: RJHC020100962025 | URN: SAW / 224U / 2025  
in

S.B. Civil Writ Petition No.15018/2024

The State of Rajasthan, Through Principal Secretary, Medical  
Education Department, Government Secretariat, Jaipur.

----Appellant

Versus

1. Dr. Rachita Mathur Wife of Dr. Rishabh Bhargawa, Aged About 31 Years, Resident Of C-37, Peeyush Path, Bapu Nagar, Jaipur.
2. Rajasthan Public Service Commission, Through Its Secretary, Ghoghara Ghati, Madarpura, Jaipur Road, Ajmer
3. Dr. Manoj Arya S/o Shri Chhuni Lal, Resident Of 65, Tagore Nagar, Kartaarpura Jaipur Rajasthan Working At Respiratory Medicine Dept. (Rnt Medical College) Badi Udaipur Rajasthan.

----Respondents

Connected With

D.B. Special Appeal Writ No. 93/2025  
CNR: RJHC020124392025 | URN: SAW / 285U / 2025  
in

S.B. Civil Writ Petition No.15018/2024

Rajasthan Public Service Commission, Through Its Secretary,  
Ghoghra Ghati, Madarpura, Jaipur Road, Ajmer – 305001

----Appellant

Versus

1. Dr. Rachita Mathur W/o Dr. Rishabh Bhargawa, Aged About 31 Years, Resident Of C-37, Peeyush Path, Bapu Nagar, Jaipur.
2. The State of Rajasthan, Through Principal Secretary, Medical Education Department, Government Secretariat, Jaipur.

----Respondents

|                   |   |                                                                                           |
|-------------------|---|-------------------------------------------------------------------------------------------|
| For State         | : | Mr. Vigyan Shah, AAG assisted by<br>Mr. Sankalp Vijay                                     |
| For RPSC          | : | Mr. Yuvraj Samant with<br>Ms. Neha Amola &<br>Mr. Tilak Vaid                              |
| For Respondent(s) | : | Mr. R.K. Mathur, Sr. Adv. assisted by<br>Mr. Aditya Kiran Mathur &<br>Mr. Deependra Yadav |



Mr. Kamlakar Sharma, Sr. Adv. assisted  
by Mr. Sarthak Rastogi,  
Mr. Tushar &  
Ms. Manaswi Tyagi for private  
respondents  
Mr. Neeraj Kumar Sharma for private  
respondent  
Mr. R.A. Katta for Intervenor  
Ms. Alankrita Sharma with  
Mr. Yogesh Kalla for Intervenors



**HON'BLE MR. JUSTICE INDERJEET SINGH**  
**HON'BLE MR. JUSTICE SANDEEP TANEJA**

**Judgment**

|                                                                |               |
|----------------------------------------------------------------|---------------|
| Date of Conclusion of Arguments                                | 20.08.2026    |
| Date on which Judgment was reserved                            | 20.08.2026    |
| Whether the full Judgment or only operative part is pronounced | Full Judgment |
| Date of Pronouncement                                          | 27.10.2026    |

**REPORTABLE**

**Per: Sandeep Taneja, J.**

1. By way of these intra-court appeals, the State of Rajasthan and the Rajasthan Public Service Commission (for short, 'RPSC') have challenged the judgment dated 10.01.2025, whereby the learned Single Judge allowed Civil Writ Petition (for short, 'CWP') No.15018/2024 filed by Dr. Rachita Mathur, petitioner-respondent No.1, and directed the appellants to conclude the recruitment to the post of Assistant Professor, initiated pursuant to the advertisement dated 27.11.2021, in accordance with the notification dated 23.05.2022 and the amended Rule 19 of the Rajasthan Medical Service (Collegiate Branch) Rules, 1962 (for short, 'the Rules of 1962').



2. The brief facts leading to the filing of these appeals are that the RPSC issued an advertisement dated 27.11.2021 for recruitment to the post of Assistant Professor in the Medical Education Department, under the Rules of 1962. A total of 337 posts were advertised for 43 subjects classified under broad speciality and super speciality. The last date for submission of applications was 22.12.2021.

2.1 Respondent No.1 applied for the post of Assistant Professor (Skin & VD). The total number of posts advertised, in the said broad speciality of Skin & VD, was only three.

2.2 The advertisement containing the selection process under the head of 'Other Details' provided that the selection would be made through interview. It was further provided that, if the RPSC receives more number of applications, it could conduct a screening test to keep the number of candidates within an appropriate limit.

2.3 The RPSC conducted the screening test on 05.05.2022 and 06.05.2022 for the subjects for which the number of applications received was in excess. The screening test for the subject Skin & VD was held on 06.05.2022. Respondent No.1 appeared in the said test. The answer key for the said test was released on 10.06.2022.

2.4 In the meantime, on 10.05.2022, the Full Commission of the RPSC took a decision to allocate weightage of marks in such a manner that the subjects with regard to which the screening test is not conducted, the weightage of marks for the academics would be 40% and for interview 60%. However, the subjects for which the screening test is conducted, the weightage of marks for the screening test, the academics and the interview would be 40%, 20% and 40%, respectively.



2.5 On 23.05.2022, the Department of Personnel, Government of Rajasthan issued Rajasthan Various Service (Second Amendment) Rules, 2022 whereby the provision pertaining to scrutiny of applications and examinations contained in various rules mentioned in the schedule to the said notification was amended, *inter alia*, restricting the weightage of interview marks to a maximum of 10%. Vide the said notification, Rule 19 of the Rules of 1962 also came to be amended.

2.6 It transpires that some candidates belonging to the reserved categories filed three separate writ petitions, being CWP No.1777/2022, titled Dr. Hariom Meena Vs. State of Rajasthan & Anr.; CWP No.4027/2022, titled Dr. Rajveer Singh Vs. State of Rajasthan & Ors. and CWP No.5305/2022, titled Dr. Rajmal Meena Vs. State of Rajasthan & Ors., in respect of the same recruitment. In the said writ petitions, the grievance of the petitioners was with regard to filling up the backlog vacancies of the reserved categories wherein, by an interim order dated 04.05.2022, the RPSC was directed not to declare the result qua the said recruitment.

2.7 On 14.05.2024, respondent No.1 filed an application in the aforementioned CWP No.1777/2022, seeking her impleadment as a party respondent therein. The said application was allowed by the learned Single Judge, vide order dated 20.05.2024, and she was impleaded as a party respondent.

2.8 It appears that the aforesaid writ petitions seeking the filling up of backlog vacancies in the reserved categories were decided by order dated 24.05.2024, on the basis of consensus between the parties, granting liberty to the petitioners therein to make representations before the State Government.



2.9 On 28.05.2024, respondent No.1 filed an application, being WMAP No.186/2024, in the disposed-of CWP No.1777/2022, for modification/clarification of the order dated 24.05.2024 and prayed that the RPSC be directed to adhere to the notification dated 23.05.2022 in the present recruitment. The learned Single Judge, by order dated 30.05.2024, allowed the said application and observed that the order dated 24.05.2024 should be read harmoniously with the notification dated 23.05.2022. The appellants were accordingly directed to consider the contents of the notification dated 23.05.2022 qua the selection process.

2.10 Being aggrieved by the order dated 30.05.2024, the appellants, who were respondents in the said writ petition, i.e., CWP No.1777/2022, filed another application, being WMAP No.242/2024, for vacation/modification of the order dated 30.05.2024. The learned Single Judge, by order dated 06.09.2024, disposed of the said application, granting liberty to respondent No.1 to file a fresh writ petition to raise her grievances.

2.11 Pursuant to the liberty so granted by the learned Single Judge, respondent No.1 filed a fresh writ petition, being CWP No.15018/2024, praying therein that the selection process prescribed in the advertisement dated 27.11.2021 be struck down as constitutionally invalid. Further, a direction was also sought to the appellants to adhere to the notification dated 23.05.2022 issued by the Department of Personnel, Government of Rajasthan, in the present selection process.

2.12 The said writ petition was allowed by the learned Single Judge vide the impugned judgment dated 10.01.2025 and the appellants were directed to conclude the selection process in congruence with the



notification dated 23.05.2022 and the amended Rule 19 of the Rules of 1962. While issuing the said direction, the learned Single Judge further directed the appellants to follow the ratio laid down in *Ajay Hasia & Ors. Vs. Khalid Mujib Sehravardi & Ors.* reported in (1981) 1 SCC 722, *Ashok Kumar Yadav & Ors. Vs. State of Haryana & Anr.* reported in AIR 1987 SC 454. It was also directed that the candidature of respondent No.1 be considered conscientiously on the basis of merit scored by her.

3. Being aggrieved by the impugned judgment dated 10.01.2025, the State of Rajasthan and the RPSC have preferred the instant appeals.

4. Learned counsel for the appellants, while assailing the impugned judgment, submitted that the notification and rules amended after issuance of the advertisement would not apply to a selection process that had already commenced and therefore, the learned Single Judge erred in holding that the notification dated 23.05.2022 would apply to the present recruitment which began on 27.11.2021.

4.1 Learned counsel submitted that the learned Single Judge also erred in holding that Rule 19 of the Rules of 1962, being procedural in nature, shall have retrospective effect. It was also submitted that the learned Single Judge also erred in observing that the notification dated 23.05.2022 was applied retrospectively by the RPSC to two previously issued recruitment advertisements.

4.2 Learned counsel further submitted that the employer has discretion to prescribe the manner in which marks are to be allocated for assessing the suitability of a candidate. It was also submitted that earlier the RPSC in its Full Commission meeting held on 24.04.2019 decided to allocate 40% of the total marks to the screening test, 20%



to the academics and 40% to the interview. In respect of the recruitment under consideration, on the basis of the said earlier decision, again a similar decision was taken by the RPSC in the Full Commission meeting held on 10.05.2022 and proceeded with the selection process accordingly.

4.3 Learned counsel further submitted that respondent No.1 was well aware of the selection process and had participated in the screening test without any protest and, therefore, respondent No.1 was estopped from raising any objection. It is further submitted that on the issue of delay and laches, the learned Single Judge has erred in holding that respondent No.1 had challenged the selection process before the date of screening test.

4.4 Learned counsel lastly submitted that otherwise also respondent No.1 is not entitled to the equitable relief as she deliberately suppressed the material fact of previously filing a writ petition, along with other petitioners, being CWP No.8167/2023, titled as Dr. Sukhdev Khadav & Ors. Vs. State of Rajasthan, before the Principal Seat at Jodhpur, in relation to the same recruitment, with the prayer to restrict the weightage of interview marks to a maximum of 12.5%. It was submitted that the writ petition, in the instant case, is liable to be dismissed solely on the ground of concealment of such material fact.

4.5 Learned counsel for the appellants, in support of their arguments, relied upon the judgments passed in the cases of Lila Dhar Vs. State of Rajasthan & Ors., reported in (1981) 4 SCC 159, N.T. Devin Katti Vs. Karnataka Public Service Commission, reported in (1990) 3 SCC 157, Anzar Ahmad Vs. State of Bihar & Ors., reported in (1994) 1 SCC 150, Rashmi Mishra Vs. M.P. Public Service Commission, reported in (2006)



12 SCC 724, Assam Public Service Commission & Ors. Vs. Pranjal Kumar Sarma & Ors., reported in (2020) 20 SCC 680, and Tej Prakash Pathak & Ors. Vs. High Court of Rajasthan & Ors., reported in (2025) 2 SCC 1.

5. Learned counsel appearing for the private respondent and the intervenors advanced the same arguments. They additionally relied upon the judgments passed in the cases of Manish Kumar Shahi Vs. State of Bihar & Ors., reported in (2010) 12 SCC 576 and Bhaskar Laxman Jadhav & Ors. Vs. Karamveer Kakasaheb Wagh Education Society & Ors., reported in (2013) 11 SCC 531.

6. On the other hand, learned Senior Counsel appearing for respondent No.1, while opposing the appeals, argued in favour of upholding the findings recorded in the impugned judgment dated 10.01.2025. Learned Senior Counsel submitted that the finding of the learned Single Judge that allocation of 40% of the marks to the interview was excessive, was based on the well-considered and settled legal position laid down by the Hon'ble Supreme Court in the cases of **Ajay Hasia** (supra) and **Ashok Kumar Yadav** (supra). He further submitted that the said allocation of marks was not disclosed in the advertisement dated 27.11.2021.

6.1 Learned Senior Counsel further submitted that, as the notification dated 23.05.2022 was issued pursuant to the Cabinet decision dated 10.05.2022 and the selection process had not been concluded on the date of issuance of the said notification, the learned Single Judge was, therefore, right in holding that the said notification was applicable to the present recruitment process. He supported the impugned judgment by further submitting that amended Rule 19 of the Rules of 1962, being



procedural in nature, has retrospective application. He, therefore, prayed to dismiss the appeals.

6.2 In response to the contention with regard to the concealment of material fact in the writ petition, learned Senior Counsel submitted that respondent No.1 was not aware of the same; a colleague of hers may have obtained her signature on the *vakalatnama* and filed the writ petition before the Principal Seat at Jodhpur.

7. We have heard learned counsel for the parties and perused the material available on record. We have also gone through the impugned judgment.

8. Before examining the impugned judgment on its merits, it is apposite to deal with the issue raised by the appellants with regard to concealment of material fact in the writ petition filed by respondent No.1.

8.1 It is the case of the appellants that respondent No.1 deliberately concealed the material fact of previously filing a writ petition, being CWP No.8167/2023, titled Dr. Sukhdev Khadav & Ors. Vs. State of Rajasthan & Ors., filed on 31.05.2023, before the Principal Seat at Jodhpur, seeking a direction that, in terms of the notification dated 23.05.2022, the weightage of interview marks be restricted to a maximum of 12.5%. The Court at the Principal Seat, Jodhpur, dismissed the said writ petition by order dated 10.07.2023 giving reference to the order dated 20.04.2023 passed in the case of Ramesh Kumar Jakhar & Ors. Vs. State of Rajasthan & Ors., CWP No.18047/2021, treating the writ petition as premature and considering that the notification dated 23.05.2022 is subsequent to the advertisement. It is further their case that since the said fact came to the knowledge of the appellants only



during the pendency of the present appeals, the same was placed on record by way of an additional affidavit filed by the appellant-State.

8.2 In the instant case, respondent No.1 by way of CWP No.15018/2024 invoked the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India which is discretionary in nature and is based on the principle of equity. It is a well-settled principle of law that a person invoking such jurisdiction is required to approach the Court with clean hands and to make complete disclosure of all the material facts. Thus, one who seeks equity must do equity. The Hon'ble Supreme Court, in the case of **Dalip Singh Vs. State of U.P. and Ors.**, reported in **(2010) 2 SCC 118**, has held that any person who approaches the Court under Article 226 of the Constitution is duty bound to place all the facts before the Court without any reservation and in case material facts are suppressed or twisted facts are placed before the Court, then refusal to entertain a writ petition filed under Article 226 of the Constitution would be justified. It was also observed that a litigant, who attempts to pollute the stream of justice or who touches the pure fountain of justice with tainted hands, is not entitled to any relief, interim or final. Further, in the case of **V. Chandrasekaran and Anr. Vs. Administrative Officer and Ors.**, reported in **(2012) 12 SCC 133**, the Hon'ble Supreme Court observed as under:

*"34. The Appellants have not approached the court with clean hands, and are therefore, not entitled for any relief. Whenever a person approaches a Court of Equity, in the exercise of its extraordinary jurisdiction, it is expected that he will approach the said court not only with clean hands but also with a clean mind, a clean heart and clean objectives. Thus,*





he who seeks equity must do equity. The legal maxim "Jure Naturae Aequum Est Neminem cum Alterius Detrimeto Et Injuria Fieri Locupletiore", means that it is a law of nature that one should not be enriched by causing loss or injury to another. (Vide: *The Ramjas Foundation and Ors. v. Union of India and Ors.*: AIR 1993 SC 852; *Nooruddin v. (Dr.) K.L. Anand* : (1995) 1 SCC 242; and *Ramniklal N. Bhutta and Anr. v. State of Maharashtra and Ors.*: AIR 1997 SC 1236).

35. The judicial process cannot become an instrument of oppression or abuse, or a means in the process of the court to subvert justice, for the reason that the court exercises its jurisdiction, only in furtherance of justice. The interests of justice and public interest coalesce, and therefore, they are very often one and the same. A petition or an affidavit containing a misleading and/or an inaccurate statement, only to achieve an ulterior purpose, amounts to an abuse of process of the court."

Also, in the case of **Bhaskar Laxman Jadhav** (supra), the Hon'ble Supreme Court observed as under:

"46. It is not for a litigant to decide what fact is material for adjudicating a case and what is not material. It is the obligation of a litigant to disclose all the facts of a case and leave the decision making to the Court. True, there is a mention of the order dated 2nd May 2003 in the order dated 24th July 2006 passed by the JCC, but that is not enough disclosure. The Petitioners have not clearly disclosed the facts and circumstances in which the order dated 2nd May 2003 was passed or that it has attained finality.

47. We may only refer to two cases on this subject. In *Hari Narain v. Badri Das*: AIR 1963 SC 1558 stress was laid on litigants eschewing inaccurate, untrue or misleading statements, otherwise leave



*granted to an Appellant may be revoked. It was observed as follows:*

*It is of utmost importance that in making material statements and setting forth grounds in applications for special leave, care must be taken not to make any statements which are inaccurate, untrue or misleading. In dealing with applications for special leave, the Court naturally takes statements of fact and grounds of fact contained in the petitions at their face value and it would be unfair to betray the confidence of the Court by making statements which are untrue and misleading. That is why we have come to the conclusion that in the present case, special leave granted to the Appellant ought to be revoked. Accordingly, special leave is revoked and the appeal is dismissed. The Appellant will pay the costs of the Respondent.*

*48. More recently, in Ramjas Foundation v. Union of India: (2010) 14 SCC 38, the case law on the subject was discussed. It was held that if a litigant does not come to the Court with clean hands, he is not entitled to be heard and indeed, such a person is not entitled to any relief from any judicial forum. It was said:*

*The principle that a person who does not come to the court with clean hands is not entitled to be heard on the merits of his grievance and, in any case, such person is not entitled to any relief is applicable not only to the petitions filed under Articles 32, 226 and 136 of the Constitution but also to the cases instituted in others courts and judicial forums. The object underlying the principle is that every court is not only entitled but is duty bound to protect itself*



*from unscrupulous litigants who do not have any respect for truth and who try to pollute the stream of justice by resorting to falsehood or by making misstatement or by suppressing facts which have a bearing on adjudication of the issue(s) arising in the case.”*

8.3 The appellant-State has filed the additional affidavit to bring on record the fact of filing CWP No.8167/2023, by respondent No.1 along with the other petitioners therein. Respondent No.1 has not filed any counter affidavit to refute the said contention. As such, it remains undisputed that the fact of filing of the previous writ petition before the Principal Seat at Jodhpur was not disclosed by respondent No.1 in the writ petition. In the absence of any counter affidavit, we are also unable to accept the contention of the learned Senior Counsel that a colleague of respondent No.1 may have obtained her signature on the *vakalatnama* and filed the writ petition without her knowledge. Moreover, as respondent No.1 is a highly educated person possessing a master's degree in medical science, it is difficult to comprehend that a colleague of hers got the *vakalatnama* signed without her knowledge. It can, therefore, be safely concluded that such a contention on behalf of respondent No.1 is nothing but an afterthought to cover up the non-disclosure of material fact in the writ petition.

8.4 In view of the above, we are of the considered opinion that respondent No.1 did not approach the Court with clean hands by deliberately concealing the material fact in the writ petition, and for this reason alone, she is not entitled to any relief under the extraordinary and discretionary jurisdiction of this Court. Accordingly, the writ petition is liable to be dismissed on this ground alone. However, since the writ



petition filed by her has been allowed, we deem it appropriate to examine the impugned judgment on its merits on the basis of the arguments advanced by the parties.

9. The main issue which arises for consideration is whether the notification dated 23.05.2022 and the amended Rule 19 of the Rules of 1962 can be applied retrospectively to the present recruitment process which commenced pursuant to the advertisement dated 27.11.2021.

9.1 The RPSC, on 27.11.2021, issued an advertisement inviting applications for recruitment to the post of Assistant Professor. The said advertisement was issued in accordance with Rule 19 of the Rules of 1962, as it stood on the date of issuance of the advertisement. The same is reproduced hereunder:

*"19. Scrutiny of applications – The commission shall scrutinize the applications received by them and require as many candidates qualified for appointment under these rules as seem to them desirable to appear before them for interview.*

*Provided that the decision of the Commission as to the eligibility or otherwise of a candidate, shall be final."*

9.2 The Rajasthan Various Service (Second Amendment) Rules, 2022 (for short, 'Rules of 2022'), notified vide notification dated 23.05.2022, were framed by the Governor of Rajasthan in exercise of the powers conferred by the proviso to Article 309 of the Constitution of India by which Rule 19 of the Rules of 1962 came to be amended. Rule 1(2) of the aforesaid Rules of 2022 specifically provides that it shall come into force from the date of their publication in the Official Gazette. The said rules were published in the Official Gazette on 23.05.2022. Apparently,



the aforesaid rules have not been given retrospective operation. It is, therefore, clear that by virtue of Rule 1(2) of the said Rules, they will apply prospectively from 23.05.2022.

9.3 The law with regard to the applicability of the rules to a recruitment process is well settled. The Hon'ble Supreme Court in the case of **Assam Public Service Commission** (supra), observed as under:

*"...The other relevant question is whether the method of selection should be permitted to be changed midway, by adopting the 2019 Procedure incorporated with effect from 01.04.2019 for the vacancies, which were advertised on 21.12.2018.*

13. The law with regard to applicability of the Rules which are brought anew during the selection process have been crystallized by this Court. It has been held that the norms existing on the date when the process of selection begins, will control the selection and the alteration to the norms would not affect the ongoing process unless the new Rules are to be given retrospective effect. (See State of Bihar and Ors. v. Mithilesh Kumar: (2010) 13 SCC 467). Similarly in N.T. Devin Katti and Ors. v. Karnataka Public Service Commission and Ors.: (1990) 3 SCC 157, this Court held that a candidate has a limited right of being considered for selection in accordance with the Rules as they existed on the date of advertisement and he cannot be deprived of that limited right by amendment of the Rules during the pendency of the selection, unless the Rules are to be applied retrospectively.

14. If we proceed with the above enunciation of the law in Mithilesh Kumar (supra) and N.T. Devin Katti (supra), the conclusion is inevitable that for the current recruitment process for which advertisement was issued on 21.12.2018, the 2019 Procedure (which came into effect from 01.04.2019) can have



*no application, particularly when the first phase of the selection i.e. the screening test was conducted under the 2010 Rules."*

(emphasis supplied)

Recently, the Hon'ble Supreme Court, in the case of **Tej Prakash Pathak** (supra), while reiterating the above position, observed as under:

*"65. We, therefore, answer the reference in the following terms:*

*(1) Recruitment process commences from the issuance of the advertisement calling for applications and ends with filling up of vacancies;*

*(2) Eligibility criteria for being placed in the Select List, notified at the commencement of the recruitment process, cannot be changed midway through the recruitment process unless the extant Rules so permit, or the advertisement, which is not contrary to the extant Rules, so permit. Even if such change is permissible under the extant Rules or the advertisement, the change would have to meet the requirement of Article 14 of the Constitution and satisfy the test of non-arbitrariness;*

*(3) The decision in K. Manjusree (supra) lays down good law and is not in conflict with the decision in Subash Chander Marwaha (supra). Subash Chander Marwaha (supra) deals with the right to be appointed from the Select List whereas K. Manjusree (supra) deals with the right to be placed in the Select List. The two cases therefore deal with altogether different issues;*

*(4) Recruiting bodies, subject to the extant Rules, may devise appropriate procedure for bringing the recruitment process to its logical end provided the procedure so adopted is transparent, non-*



*discriminatory/non-arbitrary and has a rational nexus to the object sought to be achieved.*

*(5) Extant Rules having statutory force are binding on the recruiting body both in terms of procedure and eligibility. However, where the Rules are non-existent, or silent, administrative instructions may fill in the gaps;*

*(6) Placement in the select list gives no infeasible right to appointment. The State or its instrumentality for bona fide reasons may choose not to fill up the vacancies. However, if vacancies exist, the State or its instrumentality cannot arbitrarily deny appointment to a person within the zone of consideration in the select list."*

(emphasis supplied)

From the above position of law laid down by the Hon'ble Supreme Court, it is clear that a recruitment is governed by the rules which are in force on the date of issuance of the advertisement and an amendment made subsequent to the beginning of the process will have no impact on that particular recruitment which is already under process, unless the amended rules are specifically given retrospective effect.

9.4 It is not in dispute that, in the present case, the recruitment process began on 27.11.2021, i.e., the date of issuance of advertisement, and on the said date, the above-noted unamended Rule 19 was in force. Subsequently, the notification amending the said rule was issued on 23.05.2022, i.e., midway through the recruitment process. Therefore, in light of the above settled legal position, we are of the considered opinion that the amended Rule 19 cannot be applied to the present recruitment.



9.5 We find that after the amended Rule 19 came into effect, the RPSC, vide its letter dated 21.07.2022, had sought advice from the State Government regarding the applicability of the notification dated 23.05.2022 to the present recruitment. The State Government, in response, vide letter dated 28.07.2022, clarified that the recruitment would be governed by the rules existing on the date of issuance of the advertisement. The stand of the appellant-State was, thus, clear that the present recruitment would be governed by the extant Rule 19 of the Rules of 1962.

9.6 Moving to the findings recorded in the impugned judgment on this point, we find that the learned Single Judge has applied the amended Rule 19 with retrospective effect on the premise that the said amendment is procedural in nature. The amended Rule 19 reads as under:

*"19. Scrutiny of applications and examinations.-*

*(1) The applications received by the Commission which are found to be incomplete shall be rejected by them. Before appearing in the examination, it should be ensure by the candidate himself/herself that he/she fulfils the conditions in regard to age, educational qualifications, experience, if any, etc. as provided in these rules. Being allowed to take the examination shall not entitle the candidate to presumption of eligibility. The Commission shall scrutinise later on the applications of such candidates only as qualify in the written examination and shall call only the eligible candidates for interview.*

*(2) The candidates shall have to appear in the written examination and the candidates who obtained such marks as may be fixed by the Commission in their discretion shall be summoned by the Commission for interview shall have to appear in interview. The allocation of marks for*



*interview shall not be more than 10% of the total marks taken in to account for the purpose of selection.*

*(3) The scheme and syllabus of written examination shall be such as may be decided by the Commission, from time to time.*

*(4) The decision of the Commission regarding the eligibility or otherwise of a candidate shall be final."*

A perusal of the amended Rule 19 indicates that not only the manner of scrutiny of applications has changed but also there is a substantial change in the scheme of selection. Under the earlier rule, the selection was to be made primarily on the basis of the interview. However, under the amended rule, the selection process is to be conducted in two phases i.e., the written exam and the interview. All candidates are required to appear in the written examination and only those candidates who qualify in the examination would be called for interview. Further, the allocation of marks for interview would not be in excess of 10%. Apparently, the entire scheme of selection has undergone a substantial change, which, if applied to the present recruitment, would affect the substantive rights of the candidates and therefore, the amendment made in Rule 19 of the Rules of 1962 cannot be termed merely a procedural amendment.

9.7 The learned Single Judge, on the basis of the affidavit of the Chairman of the RPSC, also observed that the RPSC itself had applied the notification dated 23.05.2022 retrospectively to the advertisements dated 12.05.2022 and 23.05.2022, issued for recruitment to the posts of Occupational Therapist – 2022 and Hospital Caretaker – 2022, respectively. Learned counsel for the appellants have submitted that the learned Single Judge misconstrued the said affidavit. We, therefore,



deem it appropriate to reproduce the relevant portion of the said affidavit, which reads as under:

"XXXXXX

1. That the Deponent is submitting the present affidavit in compliance of the order dated 29.07.2024 passed by this Hon'ble Court, seeking submission on the issue of application of the Government Notification dated 23.05.2022.

2. That it is humbly submitted on behalf of the Applicant/Non-Petitioner that the Rajasthan Public Service Commission has not made the notification dated 23.05.2022 applicable in any examination or recruitment in a retrospective manner.

3. That further it is submitted that in no recruitment examination being conducted by the Commission prior to the notification dated 23.05.2022 the aforesaid has been made applicable.

4. That the recruitment examinations conducted by the Commission after the notification dated 23.05.2022, in all the recruitment whereby the notification has been made applicable is annexed herewith and marked as **Annexure – AA1**.

5. That it is also worth pointing out that two recruitment notifications concerning the post of Occupational Therapist-2022 and Hospital Care Taker-2022 had been notified vide advertisement dated 12.05.2022 and 23.05.2022 respectively, the online application window of the above examinations were open as on date when the notification was issued.

6. That in light of the notification, the Commission received the letter dated 01.07.2022 from the Department of Health and Family Welfare



*to make the above notification applicable in the recruitment to the 55 posts of Hospital Care Taker.*

*7. That in light of the notification, the Commission received the letter dated 04.08.2022 from the Department of Health and Family Welfare to make the above notification applicable in the recruitment to the 24 posts of Occupational Therapist.*

*8. That, hence Corrigendum in both the above detailed advertisements for the recruitment examinations were issued on 23.08.2022 for Hospital Care Taker and on 16.11.2022 – for Occupational Therapist, whereby fresh online applications were sought by the commission.*

XXXXXXX”

(emphasis supplied)

A perusal of the above affidavit reveals that the deponent, i.e., the Chairman of the RPSC categorically stated therein that the RPSC had not made the notification dated 23.05.2022 applicable in any examination or recruitment in a retrospective manner. Insofar as the advertisement dated 12.05.2022 for recruitment to the post of Occupational Therapist – 2022 is concerned, the window for submission of online applications was open when the notification dated 23.05.2022 came into effect. Insofar as the advertisement dated 23.05.2022 for recruitment to the post of Hospital Caretaker – 2022 is concerned, the said advertisement was issued on the same date on which the said notification became effective. Moreover, in para 8 of the affidavit, it was also stated that in both the cases, corrigenda were issued inviting fresh applications. The above categorical statement of the Chairman of the RPSC on oath has not been refuted by respondent No.1. Hence, in the



above facts and circumstances, it cannot be said that the amended Rule 19 was made applicable retrospectively to the aforesaid recruitments.

9.8 For the above reasons, we are unable to concur with the finding of the learned Single Judge that the notification dated 23.05.2022 and the amended Rule 19 have retrospective effect.

10. This leads us to the next issue, namely, whether the allocation of 40% marks to the interview is excessive.

10.1 In this regard, it is relevant to note that RPSC, in its Full Commission meeting dated 24.04.2019, decided to allocate the marks among the screening test, the academics and the interview in the ratio of 40:20:40. This decision was in respect of about 23 recruitment advertisements. One of the said advertisements was dated 17.01.2020 and related to the post of Assistant Professor in Medical Education Department.

10.2 It is also relevant to note that in respect of the instant recruitment, on 18.12.2021, i.e., prior to the last date for submission of applications, some candidates filed a writ petition being CWP No.18047/2021, titled Ramesh Kumar Jakhar and Ors. Vs. State of Rajasthan, before the Principal Seat at Jodhpur. In the said writ petition, the selection criteria prescribed in the advertisement dated 27.11.2021 was challenged on the ground that the selection process provided therein carried 100% weightage for the interview, whereas in the previous selection process initiated pursuant to the advertisement dated 17.01.2020, the selection criteria was in the ratio of 40:20:40 towards the screening test, the academics and the interview, respectively. The said writ petition was disposed of by order dated 20.04.2023, on the submission of the RPSC that due weightage would be given to the



marks obtained by the candidates in the screening test and the academics, as well as to the marks awarded in the interview. The aforesaid fact has also been placed by the appellant-State before this Court by way of an additional affidavit to which no counter-affidavit has been filed by respondent No.1. Further, there is nothing on record to show that the order dated 20.04.2023 was further challenged by anyone. Hence, the said order has attained finality.

10.3 On 10.05.2022, for the present recruitment also, the Full Commission of the RPSC, following its earlier decision, decided to allocate 40% weightage for screening test, 20% for academics and 40% for interview.

10.4 It is also not the case of respondent No.1 that she was unaware of the Full Commission decisions dated 24.04.2019 & 10.05.2022 and the order dated 20.04.2023 passed by the Court. However, respondent No.1 has not challenged any of the aforesaid decisions of the RPSC and the order dated 20.04.2023 passed in the case of Ramesh Kumar Jakhar (supra).

10.5 At this stage, it is also pertinent to note that respondent No.1, in the writ petition, challenged the conditions of advertisement relating to the selection process. She chose not to challenge the extant Rule 19 of the Rules of 1962. It is not in dispute that the advertisement was issued in conformity with the aforementioned rule. In that view of the matter, we are of the view that in the absence of any challenge to Rule 19, the challenge to the process prescribed in the advertisement cannot be maintained.

10.6 Further, it is also relevant to mention here that, in the instant matter, it is not the case of respondent No.1 that the action of the RPSC



bifurcating the marks among the screening test, academics and interview is illegal or invalid and the entire selection process should be conducted exclusively through the interview. The only case of respondent No.1 is that the weightage of the marks for the interview should not be more than 10% of the total marks as prescribed in the amended Rule 19 of the Rules of 1962. We have already held that the said amended rule is not applicable to the present recruitment process.

10.7 With regard to the weightage of marks, the Hon'ble Supreme Court, in the case of **Lila Dhar** (supra), has held that it is for the experts to determine the weightage to be allocated to the interview for assessing the suitability of a candidate. The relevant paragraphs of the said judgment are reproduced hereunder:

*"6. Thus, the written examination assesses the man's intellect and the interview test the man himself and "the twain shall meet" for a proper selection. If both written examination and interview test are to be essential features of proper selection, the question may arise as to the weight to be attached respectively to them. In the case of admission to a college, for instance, where the candidate's personality is yet to develop and it is too early to identify the personal qualities for which greater importance may have to be attached in later life, greater weight has per force to be given to performance in the written examination. The importance to be attached to the interview test must be minimal. That was what was decided by this Court in Periakaruppan v. State of Tamilnadu, Ajay Hasia etc. v. Khalid Mujib Sehravardi and Ors. etc., (supra) and other cases. On the other hand, in the case of services to which recruitment has necessarily to be made from persons of mature personality, interview test may be the only way, subject to basic and essential academic and professional*



requirements being satisfied. To subject such persons to a written examination may yield unfruitful and negative results, apart from its being an act of cruelty to those persons. There are, of course, many services to which recruitment is made from younger candidates whose personalities are on the threshold of development and who show signs of great promise, and the discerning may in an interview test, catch a glimpse of the future personality. In the case of such services, where sound selection must combine academic ability with personality promise, some weight has to be given, though not much too great weight, to the interview test. There cannot be any rule of thumb regarding the precise weight to be given. It must vary from service to service according to the requirements of the service, the minimum qualifications prescribed, the age group from which the selection is to be made, the body to which the task of holding the interview test is proposed to be entrusted and a host of other factors. It is a matter for determination by experts. It is a matter for research. It is not for Courts to pronounce upon it unless exaggerated weight has been given with proven or obvious oblique motives. The Kothari Committee also suggested that in view of the obvious importance of the subject, it may be examined in detail by the Research Unit of the Union of Public Service Commission.

7. In this background, let us now examine the situation presented by the Rajasthan rules. The Rajasthan Judicial Service rules have been made by the Governor of Rajasthan in consultation with the High Court of Rajasthan and the Rajasthan Public Service Commission. The High Court may be expected to know the precise requirements of the judicial service of the State and the calibre of the available source-material, while the Public Service Commission is an expert body thoroughly conversant with recruitment policies and selection methods. Both the High Court and the Public Service





Commission are independent bodies, outside executive control, occupying special positions and enjoying special status under the constitution. Neither is an outside agency. Both are well-acquainted with the particular needs of their State and the people. If the Governor, in consultation with the High Court and the Public Service Commission of the State makes rules stipulating seventy five percent of the marks for the written examination and twenty five percent for the interview test, on what basis can a Court say that twenty five percent for the interview test is on the high side? It must not also be forgotten that the interview test is generally conducted and was, in the present case, conducted by a body consisting of a Judge of the High Court, the Chairman and a member of the Public Service Commission and a special invitee-expert. There can surely be no lifetime grievance or hint of arbitrariness against this body. Yet another factor worthy of consideration is that the candidates expected to offer themselves for selection are not raw graduates freshly out of college but are persons who have already received a certain amount of professional training. The source-material is such that some weightage must be given to the interview test and can it possibly be said that twenty five per cent of the total marks is an exaggerated weightage. We may add here that it has been made clear by the Chairman, Rajasthan Public Service Commission on whose behalf a counter affidavit has been filed before us that the marks obtained by the candidates at the written examination were not made available to the members of the interview Board either before or at the time of the interview. We are unhesitatingly of the view that the selection cannot be struck down on the ground that more than due weightage was given to the interview test.

8. The second ground of attack must fail for the same reason as the first ground of attack. The rules themselves do not provide for the allocation of





marks under different heads at the interview test. The criteria for the interview test has been laid down by the rules. It is for the interviewing body to take a general decision whether to allocate marks under different heads or to award marks in a single lot. The award of marks under different heads may lead to a distorted picture of the candidate on occasions. On the other hand the totality of the impression created by the candidate on the interviewing body may give a more accurate picture of the candidate's personality. It is for the interviewing body to choose the appropriate method of marking at the selection to each service. There cannot be any magic formulae in these matters and courts cannot sit it judgment over the methods of marking employed by interviewing bodies unless, as we said, it is proven or obvious that the method of marking was chosen with oblique motive."

(emphasis supplied)

10.8 Following the ratio laid down in the aforesaid judgment, the Hon'ble Apex Court, in the case of **Manish Kumar Shahi Vs. State of Bihar and Ors.**, reported in **(2010) 12 SCC 576**, made the following observations:

"12. In *State of U.P. v. Rafiquddin and Ors.*: 1987 Supp SCC 401, the Court referred to the ratio of the Judgment in *Lila Dhar v. State of Rajasthan and Ors.* (*supra*), refused to nullify the selection made for recruitment to the U.P. Civil Service (Judicial Branch) and observed:

In *A.K. Yadav v. State of Haryana* a Constitution Bench of this Court approved the view expressed in *Lila Dhar* case. The Court observed there cannot be any hard and fast rule regarding the weight to be given as against the written examination. It must vary from service to service; according to the requirement of the



service, the minimum qualification, prescribed age group from which the selection is to be made, the body to which the task of holding the interview test is proposed to be entrusted and a host of other factors. It is a matter for determination by experts. The court does not possess the necessary equipment and it would not be right for the court to pronounce upon it. In *Lila Dhar* case 25 per cent of marks fixed for viva voce test was upheld. In *A.K. Yadav* case selection made by the Haryana Public Service Commission for appointment to the post of Haryana Civil Service (Executive and other allied services) was under challenge. The Court held that allocation of 33.3 per cent for viva voce was high as it opened door for arbitrariness and in order to diminish it if not eliminate the same the percentage needs to be reduced. The Constitution Bench made observation that marks for viva voce test should not exceed 12.2 per cent. In spite of these observations the Constitution Bench did not interfere or strike down the selection instead it directed the Commission to give one more opportunity to the aggrieved candidates to appear at the competitive examination. In the instant case there has been no allegation of mala fides or arbitrariness against the Commission which held the viva voce test.

13. In *Mehmood Alam Tariq and others v. State of Rajasthan and Ors.*: (1988) 3 SCC 241, the Court distinguished the earlier Judgments in *Ajay Hasia v. Khalid Mujib Sehravardi* : (1981) 1 SCC 722, *Ashok Kumar Yadav v. State of Haryana* : (1985) 4 SCC 417, relied upon *Lila Dhar v. State of Rajasthan and Ors.* (supra) and held that prescription of 33%



marks for interview for recruitment to the Rajasthan State and Services (Direct Recruitment by Combined Competitive Examinations) Rules, 1962, Rajasthan Service Rules, 1954, Rajasthan Police Service Rules, 1954, Rajasthan Forest Service Rules, Rajasthan Forest Subordinate Service Rules, 1963 is not violative of Articles 14 and 16 of the Constitution. Some of the observations made in that Judgment are extracted below:

On a careful consideration of the matter, we are persuaded to the view that the prescription of minimum qualifying marks of 60 (33 per cent) out of the maximum marks of 180 set apart for the viva voce examination does not, by itself, incur any constitutional infirmity. The principles laid down in the cases of *Ajay Hasia*, *Lila Dhar*, *Ashok Kumar Yadav*, do not militate against or render impermissible such a prescription. There is nothing unreasonable or arbitrary in the stipulation that officers to be selected for higher services and who are, with the passage of time, expected to man increasingly responsible positions in the core services such as the Administrative Services and the Police Services should be men endowed with personality traits conducive to the levels of performance expected in such services. There are features that distinguish, for instance, Accounts Service from the Police Service -- a distinction that draws upon and is accentuated by the personal qualities of the officer. Academic excellence is one thing. Ability to deal with the public with tact and imagination is another. Both are necessary for an officer. The dose that is demanded may vary according to the nature of the service. Administrative and Police Services



*constitute the cutting edge of the administrative machinery and the requirement of higher traits of personality is not an unreasonable expectation.*

14. *The same view has been reiterated in the Anzar Ahmad v. State of Bihar and Ors.: (1994) 1 SCC 150, P. Mohanan Subordinate Administrative 1962 and Pillai v. State of Kerala and Ors.: (2007) 9 SCC 497 and K.A. Nagamani v. Indian Airlines and Ors.: (2009) 5 SCC 515.*

15. *In view of the law laid down in the above mentioned Judgments, it must be held that earmarking of 200 marks for viva voce test as against 850 marks for written examination does not violate the doctrine of equality embodied in Articles 14 and 16 of the Constitution.*

(emphasis supplied)

10.9 We find that the observation made by the learned Single Judge that the allocation of 40% of the total marks to the interview is on the higher side is mainly premised on the judgment passed by the Hon'ble Supreme Court in the case of **Ajay Hasia** (supra). It is, however, pertinent to note that the case of **Ajay Hasia** (supra) relates to admission to an educational institution and not appointment to public employment. The Hon'ble Supreme Court, in the case of **Lila Dhar** (supra), has already held that the observations made in the case of **Ajay Hasia** (supra) are per incuriam, insofar as they relate to public employment. The observations made in **Ajay Hasia** (supra), therefore, have to be considered in the context of the facts involved in that case, and the same cannot be applied in a strict sense to the selection process for appointment to public employment.



10.10 The learned Single Judge also relied upon the judgment of **Ashok Kumar Yadav** (supra). However, the Hon'ble Supreme Court in a later judgment passed in the case of **Anzar Ahmed** (supra), after taking into consideration the judgment passed in Ashok Kumar Yadav (supra), upheld the allocation of 50% marks for academic performance and 50% marks for interview and observed as under:

*"13. In Ashok Kumar Yadav and Ors. Etc. Etc. v. State of Haryana and Ors. Etc.: [1985] Suppl. 1 SCR 657, the selection for the Haryana Civil Service (Executive) and Allied Services was made on the basis of written examination and interview. The allocation of marks for interview was 33.3% in the case of ex-service officers and 22.2% in the case of other candidates. After quoting the observations of Chinnappa Reddy, J. in Liladhar's case (supra), it has been observed by the Court:*

*"....The competitive examination may be based exclusively on written examination or it may be exclusively on interview or it may be a mixture of both. It is entirely for the Government to decide what kind of competitive examination would be appropriate in a given case....It is not for the Court to lay down whether interview test should be held at all or how many marks should be allowed for the interview test. Of course the marks must be minimal so as to avoid charges of arbitrariness, but not necessarily always. There may be posts and appointments where the only proper method of selection may be by a viva voce test.*

*..... Now if both written examination and viva voce test are accepted as essential features of proper selection in a given case, the question may*



arise as to the weight to be attached respectively to them. ... There cannot be any hard and fast rule regarding the precise weight to be given to the viva voce test as against the written examination. It must vary from service to service according to the requirement of the service, the minimum qualification prescribed, the age group from which the selection is to be made, the body to which the task of holding the viva voce test is proposed to be entrusted and a host of other factors. It is essentially a matter for determination by experts. The Court does not possess the necessary equipment and it would not be right for the Court to pronounce upon it, unless to use the words of Chinnappa Reddy, J. in Liladhar's case "exaggerated weight has been given with proven or obvious oblique motives."

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20. In the instant case, we find that the State Government in its letter dated September 20, 1990 has clearly stated that selection should be made on the basis of interview. On the basis of this letter the Commission could have made the selection wholly on the basis of marks obtained at the interview. But in accordance with the past practice, the Commission has made the selection on the basis of interview while keeping in view the academic performance and with that end in view the Commission has allocated 50% marks for academic performance and 50% marks for interview. It cannot be held that the said procedure adopted by the Commission suffers from the vice of arbitrariness. By giving equal weight to academic performance the Commission has rather reduced the possibility of arbitrariness."

(emphasis supplied)





10.11 In view of the above law laid down by the Hon'ble Supreme Court, it is clear that it is for an expert body to determine the weight to be given to the interview. We find that the RPSC, being an expert body, has adopted the method of allocation of marks uniformly and without any discrimination. Moreover, no oblique motive has been alleged against the RPSC in making such allocation of marks which was also followed in the previous recruitment processes. Hence, the action of the RPSC cannot be said to suffer from the vice of arbitrariness. In these circumstances, we are unable to agree with the finding recorded in the impugned judgment that allocation of 40% of the total marks to the interview is excessive.

11. Turning to the last issue, namely, whether the writ petition filed by respondent No.1 was barred by the doctrine of estoppel and also suffered from delay and laches, we find that despite being aware of the terms and conditions of the advertisement dated 27.11.2021 and Rule 19 of the Rules of 1962 as it then stood, respondent No.1 did not challenge the same rather appeared in the screening test held on 06.05.2022 without any protest or objection. Furthermore, as noted in para 10.4 above, despite being aware of the decisions dated 24.04.2019 and 10.05.2022 of the RPSC and the order dated 20.04.2023 passed in the case of Ramesh Kumar Jakhar (supra), respondent No.1 chose not to lay any challenge to the same.

11.1 The Hon'ble Supreme Court, in the case of **Ashok Kumar Vs. State of Bihar**, reported in **(2017) 4 SCC 357**, has held that a candidate who participates in a selection process without raising any objection cannot subsequently be permitted to challenge the examination process. Further, the Hon'ble Supreme Court in the case of



**Meeta Sahai Vs. State of Bihar and Ors.**, reported in **(2019) 20**

**SCC 17**, observed as under:

*"17. It is well settled that the principle of estoppel prevents a candidate from challenging the selection process after having failed in it as iterated by this Court in a plethora of judgments including Manish Kumar Shahi v. State of Bihar: (2010) 12 SCC 576, observing as follows:*

*16. We also agree with the High Court that after having taken part in the process of selection knowing fully well that more than 19% marks have been earmarked for viva voce test, the Appellant is not entitled to challenge the criteria or process of selection. Surely, if the Appellant's name had appeared in the merit list, he would not have even dreamed of challenging the selection. The Appellant invoked jurisdiction of the High Court Under Article 226 of the Constitution of India only after he found that his name does not figure in the merit list prepared by the Commission. This conduct of the Appellant clearly disentitles him from questioning the selection and the High Court did not commit any error by refusing to entertain the writ petition.*

*The underlying objective of this principle is to prevent candidates from trying another shot at consideration, and to avoid an impasse wherein every disgruntled candidate, having failed the selection, challenges it in the hope of getting a second chance."*

(emphasis supplied)



In view of the above settled legal position, we are of the considered opinion that respondent No.1 participated in the selection process without any objection and, hence, she is estopped from challenging the selection process prescribed in the advertisement dated 27.11.2021.

11.2 Insofar as the issue of delay and laches is concerned, leaving aside CWP No.8167/2023, the filing of which has been deliberately concealed, respondent No.1, for the first time, on 14.05.2024 filed the application for impleadment in CWP No.1777/2022, apparently nearly two and a half years after the submission of her application pursuant to the said advertisement and almost two years after the date of issuance of notification dated 23.05.2022, whereby Rule 19 of the Rules of 1962 was amended. Thereafter, as noted above, pursuant to the liberty granted by order dated 30.05.2024, respondent No.1 filed the writ petition in the instant matter. However, no justification for such an inordinate delay of two and a half years has been provided in the writ petition.

11.3 A perusal of the impugned judgment shows that with regard to delay and laches, the learned Single Judge held that respondent No.1 and similarly situated persons had assailed the alleged illegalities before the screening test was conducted. We find that the said conclusion drawn by the learned Single Judge is not sustainable for the following reasons: firstly, CWP No.1777/2022 was concerned with the non-application of reservation for filling up backlog vacancies, whereas in the present matter, respondent No.1 has challenged the selection process and hence the petitioners in the said petition cannot be said to be similarly situated to respondent No.1; and secondly, it is undisputed



that respondent No.1 had not challenged the selection process before the date of the screening test.

11.4 If a person wants to invoke the extraordinary remedy, he should come to the Court at the earliest reasonably possible opportunity. In case he approaches the Court with delay, he is required to furnish a reasonable explanation for the delay. In the case at hand, respondent No.1 has grossly failed to furnish any explanation, much less a justifiable explanation for an inordinate delay of two and a half years. In view thereof, it is clear that the writ petition filed by respondent No.1 suffers from delay and laches. We are, therefore, of the considered opinion that the writ petition filed by respondent No.1 deserves to be dismissed.

12. As a result of the above discussion, the instant appeals are allowed. The impugned judgment dated 10.01.2025 passed by the learned Single Judge is quashed and set aside and the writ petition filed by respondent No.1 is also dismissed.

13. All the pending applications, if any, stand disposed of.

(SANDEEP TANEJA),J

(INDERJEET SINGH),J

1-2/S-A/SAHIL SONI