RAJASTHAN HIGH COURT
सत्यमेव जयते

HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR

S.B. Civil Writ Petition No. 15753/2025
CNR: RJHC010755412025 | URN: CW / 28243U / 2025

Rajasthan High Court
सत्यमेव जयते
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Aruna Rajpurohit D/o Girdhari Singh, Aged About 24 Years, 46, Near Hathai, Rungari, District Pali.

----Petitioner

Versus

1. State Of Rajasthan, Through Secretary, Information And Technology Department, Government Of Rajasthan, Jaipur.
2. The Rajasthan Ministerial Staff Selection Board, Jhalana Dungri, Jaipur Through Its Secretary.

----Respondents

For Petitioner(s)	:	Mr. Khet Singh Rajpurohit
For Respondent(s)	:	Mr. Arpit Samaria for Mr. Nathu Singh Rathore, AAG for R/1 Mr. Manish Patel for R/2

HON'BLE MR. JUSTICE KULDEEP MATHUR

Order

19/11/2026

1. By way of present writ petition, the petitioner has sought for following relief(s):-

> "It is therefore, prayed that the writ petition may kindly be allowed and the record of the case may kindly called for and;
> a) By an appropriate writ order or direction, the respondents may kindly be directed to consider the candidature of the petitioner towards backlog vacancies by interchange as per the condition mentioned in item no. 13 (b) of the advertisement dated 16.01.2023 (Annex-3).
> b) By an appropriate writ, order or direction, the respondents may kindly be directed to consider the candidature of the petitioner towards the backlog vacancies notified vide amended advertisement dated 13.06.2024.

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> c) By an appropriate writ, direction or order, the respondents may kindly be directed to include the name of the petitioner in the final select list and recommend her for appointment on the post of Informatic Assistant in pursuance to the advertisement dated 16.01.2023 with all consequential benefits.
> d) Any other appropriate direction or order which this Hon'ble Court deems fit in the facts and circumstances of the case may kindly be granted.
> e) Cost of this writ petition may kindly be awarded in favour of the petitioner."

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2. Learned counsel for the petitioner as well as learned counsel appearing on behalf of respondent no.1 submits that the controversy involved in the present writ petition has already been set to rest by Hon'ble Division Bench of this Court in the case of **Akshay Surana vs. State of Rajasthan & Ors. (D.B.Special Appeal Writ No.271/2023)**, decided on 22.03.2024. The relevant portion of the judgment passed in the case of **Akshay Surana** (supra) is reproduced hereinbelow for the sake of ready-reference:-

> "26. The aforesaid provision does not mean that the vacancy is to be carried forward to the next recruitment process. The Rule mandates that rotation carried forward has to be from one block to the other block. This obviously is meant to advance the objective of reservation by ensuring that if a candidate of one particular disability category is not available, it could be filled up from amongst candidates of another disability category.
> 27. The operation of Rule in the aforesaid manner would definitely allow a candidate of one reserved category to seek benefit of reservation if even though his turn in his respective block has not come, if the candidate of reserved category for that block is not available. As a consequence, if a candidate belonging to locomotor category is not available, the post cannot be kept vacant but it should be given to the disabled candidate of the next category. If we operate the Rule in this manner, it is clear that the candidate belonging to locomotor category was not available, it goes to candidate belonging to blind category i.e. the appellant therein.

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28. Therefore, in view of above consideration, we are of the view that though two posts were rightly reserved for locomotor category, in the event of one post having remained unfilled, mandate of Rule 37(5) of the Rules of 2011, required the respondents to provide reservation to candidates belonging to blind category. It is undisputed that in that event, the appellant would have emerged as candidate for empanellment in the list of reserved category for appointment.

29. Learned counsel for the respondents also discloses to the Court that in the last recruitment which was initiated in the year 2020, the appellant has otherwise been selected as a candidate belonging to reserved category.

30. In view of above consideration, we are of the view that denial of appointment to the appellant pursuant to the advertisement dated 12.01.2015 was illegal and contravention of Rules relating to reservation. Therefore, he is entitled to be appointed under that very advertisement and against the vacancy which has been kept vacant under the impugned order passed by the Court. We direct the respondent-State to forthwith issue order of appointment in favour of the appellant. We must make it clear that the appellant will be entitled to consequential benefits of appointment from due date on which he would have been granted but for denial by the respondents. In other words, he would been titled to appointment from the same date the other candidate of locomotor category has been appointed under the advertisement dated 12.01.2015. 31.Normally while granting such benefit of appointment with consequential benefits from earlier date, this Court does not grant any actual benefit of pay or perks. However, in the present case, this case poses a special circumstance. The appellant was a candidate belonging to disability category and is suffering from 100% vision impairment. Therefore, keeping that in view, we are inclined to direct that actual benefits shall also be extended to the appellant and all other consequential benefits flowing there from should also be extended to him. The order of this Court insofar as issuance of appointment order is concerned, should be complied forthwith by issuing appointment order within a period of 45 days. For other consequential benefits, necessary exercise will be required to be undertaken and brought to its logical end within next three months.

32. With the aforesaid observations and directions, this appeal is allowed and the impugned order passed by the learned Single Judge is set aside.”

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3. In view of above, the present writ petition is allowed. The respondents are directed to consider the candidature of the petitioner for the post of Informatic Assistant keeping in view the directions issued by Hon'ble Division Bench in the case of **Akshya Surana** (supra).

4. However, it is made clear that the petitioner shall be entitled to consequential benefits of appointment from due date on which she would have been granted appointment. In other words, the petitioner shall be entitled to appointment from the same date, the other candidates of loco-motor disability have been appointed under the advertisement dated 16.01.2023.

(KULDEEP MATHUR),J

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