

Nalini Joshi Vs. State and Ors

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SooperKanoon Citation : sooperkanoon.com/66616

Court : Rajasthan Jodhpur

Decided On : Oct-01-2015

Appellant : Nalini Joshi

Respondent : State and Ors

Judgement :

1 IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

ORDER

No.Year Petitioners Respondents 1. SB CWP99572015 Neha Tailor State & Ors.

2. SB CWP88732015 Nena Ram Suthar State & Ors.

3. SB CWP92932015 Kundan Singh & Ors. State & Ors.

4. SB CWP93082015 Prabhu Lal Patel State & Ors.

5. SB CWP93182015 Bharat Kumar Daga State & Ors.

6. SB CWP93462015 Hakma Ram State & Ors.

7. SB CWP93492015 Kupa Ram Lohar & Ors. State & Ors.

8. SB CWP93502015 Smt. Santosh Sikhwal & Anr. State & Ors.

9. SB CWP93682015 Chandra Singh State & Ors.

10. SB CWP93832015 Praveen Singh Tanwar State & Ors.
11. SB CWP93852015 Anita Veer & Anr. State & Ors.
12. SB CWP94002015 Gordhan Ram & Ors. State & Ors.
13. SB CWP94042015 Himmat Lal Teli State & Ors.
14. SB CWP94062015 Kamal Khan & Ors. State & Ors.
15. SB CWP94122015 Kailash & Ors. State & Ors.
16. SB CWP94302015 Noor Alam & Ors. State & Ors.
17. SB CWP94352015 Karam Chand Salvi & Anr. State & Ors.
18. SB CWP94362015 Ram Charan State & Ors.
19. SB CWP94372015 Bhagwan Lal Salvi State & Ors.
20. SB CWP94392015 Arjun Singh & Anr. State & Ors.
21. SB CWP94402015 Ashok Kumar State & Ors.
22. SB CWP94472015 Panna Ram & Ors. State & Ors.
23. SB CWP94502015 Uma Ram Choudhary & Ors. State & Ors.
24. SB CWP94962015 Madhusudan & Ors. State & Ors.
25. SB CWP94992015 Naveen Choudhary & Ors. State & Ors.
26. SB CWP95012015 Bhanwar Lal Godara & Anr. State & Ors.
27. SB CWP95032015 Smt. Chandrakanta Pareek State & Ors.
28. SB CWP95092015 Rajendra Prasad Sharma & Ors. State & Ors.
29. SB CWP95162015 Rakesh Kumar Dave State & Ors.

30. SB CWP95202015 Richhpal State & Ors.
31. SB CWP95212015 Nanuram Bhagora & Ors. State & Ors.
32. SB CWP95262015 Chandra Shekar Bhat State & Ors.
33. SB CWP95292015 Arjun Dan & Ors. State & Ors.
34. SB CWP95312015 Bhiya Ram & Ors. State & Ors.
35. SB CWP95332015 Manoj Joshi & Ors. State & Ors.
36. SB CWP95342015 Jaiprakash & Anr. State & Ors.
37. SB CWP95352015 Dinesh Darji & Ors. State & Ors.
38. SB CWP95362015 Himanshu Mehta State & Ors.
39. SB CWP95402015 Mansingh Solanki & Ors. State & Ors.
40. SB CWP95452015 Roopchand Gupta State & Ors.
41. SB CWP95702015 Neta Ram Mali State & Ors.
42. SB CWP95782015 Jogendra Kumar Boss State & Ors.
43. SB CWP95872015 Bhanwar Lal & Ors. State & Ors.
44. SB CWP95892015 Pooja Ramawat & Anr. State & Ors.
45. SB CWP96012015 Mahender Pal State & Ors.
46. SB CWP96022015 Ramesh Kumar State & Ors.
47. SB CWP96152015 Chagan Dan & Ors. State & Ors.
48. SB CWP96162015 Surender Kumar & Ors. State & Ors.
49. SB CWP96212015 Bagdaram Goyal & Ors. State & Ors.

50. SB CWP96222015 Kishan Lal Sharma & Ors. State & Ors.
51. SB CWP96232015 Ram Lal Doda State & Ors. 2 52. SB CWP96242015 Praveen Kumar Pandya & Ors. State & Ors.
53. SB CWP96252015 Pravin Kumar Bhadaru & Ors. State & Ors.
54. SB CWP96262015 Ramesh Kumar & Ors. State & Ors.
55. SB CWP96272015 Anil Kumar Godara & Ors. State & Ors.
56. SB CWP96312015 Laxman Ram Dhaka & Ors. State & Ors.
57. SB CWP96342015 Poonam Kunwar Rathore State & Ors.
58. SB CWP96362015 Kripal Singh State & Ors.
59. SB CWP96412015 Shahina Bano State & Ors.
60. SB CWP96462015 Madan Singh & Ors. State & Ors.
61. SB CWP96532015 Dinesh Kumar State & Ors.
62. SB CWP96542015 Pradeep Kumar State & Ors.
63. SB CWP96552015 Purushotam Paliwal State & Ors.
64. SB CWP96702015 Bhavesh Trivedi State & Ors.
65. SB CWP96762015 Ishwar Singh & Ors. State & Ors.
66. SB CWP96792015 Ratan Lal Khatk & Ors. State & Ors.
67. SB CWP96822015 Teka Ram & Ors. State & Ors.
68. SB CWP96842015 Suman Lata Sukhwai & Ors. State & Ors.
69. SB CWP96882015 Mahendra Singh & Ors. State & Ors.
70. SB CWP96932015 Durga Ram & Ors. State & Ors.

71. SB CWP96972015 Sandeep Matoria State & Ors.
72. SB CWP96992015 Indraj Saran & Ors. State & Ors.
73. SB CWP97002015 Jaisa Ram Choudhary State & Ors.
74. SB CWP97022015 Seema Inda State & Ors.
75. SB CWP97062015 Rasil Vaishnaw State & Ors.
76. SB CWP97072015 Babu Lal Prajapat & Ors. State & Ors.
77. SB CWP97132015 Pushpa Vishnoi & Ors. State & Ors.
78. SB CWP97152015 Sarla Saini State & Ors.
79. SB CWP97212015 Mohan Lal Prajapat & Ors. State & Ors.
80. SB CWP97272015 Vachan Dan & Ors. State & Ors.
81. SB CWP97292015 Vandana Jain & Ors. State & Ors.
82. SB CWP97302015 Chaman Kanwar State & Ors.
83. SB CWP97392015 Vinita Dadhich & Anr. State & Ors.
84. SB CWP97402015 Khushid Ahmed State & Ors.
85. SB CWP97412015 Saroop Chandra Sharma & Anr. State & Ors.
86. SB CWP97442015 Dhokal Ram & Ors. State & Ors.
87. SB CWP97482015 Om Prakash & Ors. State & Ors.
88. SB CWP97492015 Ms. Savita State & Ors.
89. SB CWP97532015 Smt Snehlata State & Ors.
90. SB CWP97542015 Akhil Kumar & Ors. State & Ors.

91. SB CWP97552015 Ramsukh Mirdha State & Ors.
92. SB CWP97562015 Harlal & Anr. State & Ors.
93. SB CWP97572015 Jayant Ameta State & Ors.
94. SB CWP97592015 Bhagwat Lal State & Ors.
95. SB CWP97602015 Manju Tailor & Ors. State & Ors.
96. SB CWP97612015 Mahendra Singh State & Ors.
97. SB CWP97642015 Narsingh & Ors. State & Ors.
98. SB CWP97652015 Ravji Dindore & Ors. State & Ors.
99. SB CWP97672015 Mana Ram Guru & Ors. State & Ors.
100. SB CWP2015 State & Ors. . 9769 Utam Bhatari & Ors.
101. SB CWP2015 State & Ors. . 9770 Mahendra Singh Rajpurohit & Ors.
102. SB CWP2015 State & Ors. . 9772 Sunita & Ors.
103. SB CWP2015 State & Ors. . 9775 Uma Ram & Ors.
104. SB CWP2015 State & Ors. . 9776 Jai Ram & Anr. 3
105. SB CWP2015 State & Ors. . 9779 Rekha Sharma & Ors.
106. SB CWP2015 State & Ors. . 9782 Yasar Shekh & Anr.
107. SB CWP2015 State & Ors. . 9786 Santosh Kumari
108. SB CWP2015 State & Ors. . 9791 Bheru Lal & Ors.
109. SB CWP2015 State & Ors. . 9792 Ram Lal Meena & Ors.
110. SB CWP2015 State & Ors. . 9793 Veerendra Kumar & Ors.
111. SB CWP2015 State & Ors. . 9794 Kalyan Singh Karnot & Ors.
112. SB CWP2015 State & Ors. . 9797 Chhagan Lal & Ors.
113. SB CWP2015 State & Ors. . 9798 Ganpat Singh
114. SB CWP2015 State & Ors. . 9801 Daya Ram & Ors.
115. SB CWP2015 State & Ors. . 9809 Krishna Soni
116. SB CWP2015 State & Ors. . 9812 Lal Jeet Singh & Ors.
117. SB CWP2015 State & Ors. . 9817 Shishpal
118. SB CWP2015 State & Ors. . 9820 Dungar Singh & Ors.
119. SB CWP2015 State & Ors. . 9821 Smt. Jaishree Sharma
120. SB CWP2015 State & Ors. . 9822 Banwari Lal & Ors.
121. SB CWP2015 State & Ors. . 9824 Prathvi Raj Borana & Ors.
122. SB CWP2015 State & Ors. . 9826 Mohammed Maksood
123. SB CWP2015 State & Ors. . 9828 Jasveer
124. SB CWP2015 State & Ors. . 9829 Mohan Ram Waghela
125. SB CWP2015 State & Ors. . 9830 Babu Lal Meena & Ors.
126. SB

CWP2015 State & Ors. . 9831 Pramila Kumari Sharma 127 SB CWP2015 State & Ors. . 9835 Madhubala 128 SB CWP2015 State & Ors. . 9848 Magan Lal Maida 129 SB CWP2015 State & Ors. . 9853 Dimple Kanwar 130 SB CWP2015 State & Ors. . 9854 Kiran Singh & Anr. 131 SB CWP2015 State & Ors. . 9855 Lalita Vaishnav & Ors. 132 SB CWP2015 State & Ors. . 9856 Silochna 133 SB CWP2015 State & Ors. . 9857 Jaswant Singh Sharma 134 SB CWP2015 State & Ors. . 9859 Sri Ram 135 SB CWP2015 State & Ors. . 9861 Shakoor Mohammad 136 SB CWP2015 State & Ors. . 9862 Sarawat 4 137 SB CWP2015 State & Ors. . 9865 Udailal Katara & Ors. 138 SB CWP2015 State & Ors. . 9866 Praveen Kumar Bhadra & Ors. 139 SB CWP2015 State & Ors. . 9868 Manish Gour 140 SB CWP2015 State & Ors. . 9869 Seema Sharma & Anr. 141 SB CWP2015 State & Ors. . 9874 Sonu Tak 142 SB CWP2015 State & Ors. . 9875 Subhash Chandra 143 SB CWP2015 State & Ors. . 9877 Gopal Lal Sharma 144 SB CWP2015 State & Ors. . 9878 Ramiz Mohammad & Ors. 145 SB CWP2015 State & Ors. . 9881 Kritka Sharma 146 SB CWP2015 State & Ors. . 9882 Bhagwana Ram Vishnoi 147 SB CWP2015 State & Ors. . 9884 Ram Singh & Anr. 148 SB CWP2015 State & Ors. . 9886 Nitesh Sharma & Ors. 149 SB CWP2015 State & Ors. . 9887 Rekha Sharma 150 SB CWP2015 State & Ors. . 9889 Gopal Singh & Ors. 151 SB CWP2015 State & Ors. . 9919 Madhubala & Ors. 152 SB CWP2015 State & Ors. . 9921 Dinesh Kumar Meena & Ors. 153 SB CWP2015 State & Ors. . 9922 Ramesh Chaner Kumhar & Anr. 154 SB CWP2015 State & Ors. . 9923 Ashish Kumar Shah 155 SB CWP2015 State & Ors. . 9925 Banwari Lal Sharma 156 SB CWP2015 State & Ors. . 9927 Bhanwar Deependra & Ors. 157 SB CWP2015 State & Ors. . 9929 Maganlal & Ors. 158 SB CWP2015 State & Ors. . 9930 Vikram Singh & Anr. 159 SB CWP2015 State & Ors. . 9931 Ram Singh & Anr. 160 SB CWP2015 State & Ors. . 9937 Anil Patdar 161 SB CWP2015 State & Ors. . 9938 Hetram & Ors. 162 SB CWP2015 State & Ors. . 9940 Shiv Raj Pareek & Ors. 163 SB CWP2015 State & Ors. . 9947 Kiran Kumari & Ors. 164 SB CWP2015 State & Ors. . 9950 Ritesh Choubisa & Ors. 165 SB CWP2015 State & Ors. . 9951 Smt. Ramrakhi Teli 166 SB CWP2015 State & Ors. . 9959 Kalla Singh & Ors. 167 SB CWP2015 State & Ors. . 9963 Balveer Singh Yadav & Anr. 168 SB CWP2015 State & Ors. . 9966 Jayant Lal Joshi & Ors. 5 169 SB CWP2015 State & Ors. . 9967 Shimbu Singh Rajawat & Anr. 170 SB CWP2015 State & Ors. . 9968 Kailash Chandra Nath 171

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Kumar & Anr. 216 SB CWP2015 State & Ors. . 10054 Budha Ram Bishnoi & Ors. 217 SB CWP2015 State & Ors. . 10055 Chutra Ram 218 SB CWP2015 State & Ors. . 10056 Ruma Kanwar 219 SB CWP2015 State & Ors. . 10057 Kewa Ram & Anr. 220 SB CWP2015 State & Ors. . 10058 Meena Kumari & Ors. 221 SB CWP2015 State & Ors. . 10059 Sur Singh & Ors. 222 SB CWP2015 State & Ors. . 10060 Sahdev Tada & Ors. 223 SB CWP2015 State & Ors. . 10061 Dharma Ram Choudhary 224 SB CWP2015 State & Ors. . 10063 Rajeshwar Singh 225 SB CWP2015 State & Ors. . 10064 Rahman 226 SB CWP2015 State & Ors. . 10067 Nalini Joshi 227 SB CWP2015 State & Ors. . 10068 Kanta Bhagora 228 SB CWP2015 State & Ors. . 10071 Nathmal Pareek & Ors. 229 SB CWP2015 State & Ors. . 10072 Parasmal Sen & Ors. 230 SB CWP2015 State & Ors. . 10073 Nola Ram Panwar & Ors. 231 SB CWP2015 State & Ors. . 10082 Nisha Jain 232 SB CWP2015 State & Ors. . 10083 Smt. Sanju Kanwar & Ors. 7 233 SB CWP2015 State & Ors. . 10086 Rajuram 234 SB CWP2015 State & Ors. . 10089 Kiran Panwar & Ors. 235 SB CWP2015 State & Ors. . 10091 Pokar Ram & Ors. 236 SB CWP2015 State & Ors. . 10092 Smt. Sharda & Ors. 237 SB CWP2015 State & Ors. . 10093 Bheem Raj 238 SB CWP2015 State & Ors. . 10098 Santosh Rawat & Anr. 239 SB CWP2015 State & Ors. . 10099 Smt. Keshi Choudhary & Anr. 240 SB CWP2015 State & Ors. . 10100 Het Ram & Ors. 241 SB CWP2015 State & Ors. . 10104 Vikram Kumar Bhil & Ors. 242 SB CWP2015 State & Ors. . 10105 Ashok Kumar & Ors. 243 SB CWP2015 State & Ors. . 10110 Anju Sandu & Ors. 244 SB CWP2015 State & Ors. . 10124 Mot Singh Bhat 245 SB CWP2015 State & Ors. . 10133 Ashok Kumar & Ors. 246 SB CWP2015 State & Ors. . 10134 Prahlad Singh Kachwaha & Ors. 247 SB CWP2015 State & Ors. . 10136 Neeraj Dave & Ors. 248 SB CWP2015 State & Ors. . 10143 Savitri & Ors. 249 SB CWP2015 State & Ors. . 10158 Bhopal Singh & Ors. 250 SB CWP2015 State & Ors. . 10173 Hanumana Ram Bishnoi & Ors. 251 SB CWP2015 State & Ors. . 10175 Ganesh Lal Damor & Ors. 252 SB CWP2015 State & Ors. . 10196 Sang Singh & Ors. 253 SB CWP2015 State & Ors. . 10199 Bhagot Saran 254 SB CWP2015 State & Ors. . 10202 Ganesh Ram Meghwal & Ors. 255 SB CWP2015 State & Ors. . 10204 Rekha Gaur & Anr. 256 SB CWP2015 State & Ors. . 10231 Narendra Singh Rajpurohit & Ors. 257 SB CWP2015 State & Ors. . 10234 Amar Singh & Ors. 258 SB CWP2015 State & Ors. . 10258 Ashok Godara 259 SB CWP2015 State & Ors. .

10262 Tara Chand & Ors. 260 SB CWP2015 State & Ors. . 10274 Amra Ram & Anr. 261 SB CWP2015 State & Ors. . 10280 Anil Kumar & Ors. 262 SB CWP2015 State & Ors. . 10291 Kamlesh Chandra Sharma & Ors. 263 SB CWP2015 State & Ors. . 10292 Dilip Kumar Tailor & Ors. 264 SB CWP2015 State & Ors. . 10294 Banshi Lal & Ors. 8 265 SB CWP2015 State & Ors. . 10298 Tulchha Ram & Ors. 266 SB CWP2015 State & Ors. . 10300 Mahawir Prasad Sahu 267 SB CWP2015 State & Ors. . 10307 Sulochana & Ors. 268 SB CWP2015 State & Ors. . 10330 Mag Singh 269 SB CWP2015 State & Ors. . 10331 Tilok Ram & Ors. 270 SB CWP2015 State & Ors. . 10335 Shaitan Singh & Ors. 271 SB CWP2015 State & Ors. . 10344 Peera Ram 272 SB CWP2015 State & Ors. . 10347 Rakesh Kumar Labana & Ors. 273 SB CWP2015 State & Ors. . 10348 Ratan Kanwar & Ors. 274 SB CWP2015 State & Ors. . 10353 Prabhu Lal 275 SB CWP2015 State & Ors. . 10358 Girvar Singh Dhanki & Ors. 276 SB CWP2015 State & Ors. . 10387 Jayesh Joshi & Ors. 277 SB CWP2015 State & Ors. . 10397 Sarla Devi & Ors. 278 SB CWP2015 State & Ors. . 10401 Mukesh Paliwal 279 SB CWP2015 State & Ors. . 10402 Ranjeet Singh & Anr. 280 SB CWP2015 State & Ors. . 10412 Manju Parashar 281 SB CWP2015 State & Ors. . 10414 Sultan Singh & Anr. 282 SB CWP2015 State & Ors. . 10419 Smt. Sakina & Ors. 283 SB CWP2015 State & Ors. . 10420 Ved Prakash & Ors. 284 SB CWP2015 State & Ors. . 10425 Mamta Gurjar & Ors. 285 SB CWP2015 State & Ors. . 10428 Bhanwar Lal Bera 286 SB CWP2015 State & Ors. . 10430 Smt. Jyot Bala 287 SB CWP2015 State & Ors. . 10431 Gajendra Kumar 288 SB CWP2015 State & Ors. . 10434 Gaytri Kunwar & Ors. 289 SB CWP2015 State & Ors. . 10438 Begraj Karwasra 290 SB CWP2015 State & Ors. . 10441 Pawan Kumar Sharma 291 SB CWP2015 State & Ors. . 10442 Khema Ram Choudhary & Anr. 292 SB CWP2015 State & Ors. . 10444 Nirmala Devi 293 SB CWP2015 State & Ors. . 10446 Shobha Chand Prajapat 294 SB CWP2015 State & Ors. . 10448 Dashrath Kumar Rot & Ors. 295 SB CWP2015 State & Ors. . 10450 Praveen Kumar & Ors., 296 SB CWP2015 State & Ors. . 10452 Shrawan Ram Bhat & Ors. 9 297 SB CWP2015 State & Ors. . 10453 Manilal Dhamot & Ors. 298 SB CWP2015 State & Ors. . 10455 Ramesh Masar & Ors. 299 SB CWP2015 State & Ors. . 10457 Smt. Meera Damor & Ors. 300 SB CWP2015 State & Ors. . 10461 Thawarchand Katara & Ors. 301 SB CWP2015 State & Ors. . 10464 Bheru Lal Jayaswal 302 SB CWP2015 State & Ors. . 10465

Ramswaroop & Ors. 303 SB CWP2015 State & Ors. . 10470 Vinod Kumar Nagda & Ors. 304 SB CWP2015 State & Ors. . 10471 Takhat Singh 305 SB CWP2015 State & Ors. . 10472 Poonam Ram & Ors. 306 SB CWP2015 State & Ors. . 10473 Navjyot Singh & Ors. 307 SB CWP2015 State & Ors. . 10474 Smt. Sumitra Chouhan & Ors. 308 SB CWP2015 State & Ors. . 10476 Prema Ram 309 SB CWP2015 State & Ors. . 10483 Virdha Ram & Ors. 310 SB CWP2015 State & Ors. . 10487 Aman Deep Kour & Anr. 311 SB CWP2015 State & Ors. . 10491 Khema Ram & Anr. 312 SB CWP2015 State & Ors. . 10493 Suresh Kumar & Ors. 313 SB CWP2015 State & Ors. . 10494 Khaleel Ahmed & Ors. 314 SB CWP2015 State & Ors. . 10498 Anusha Dave & Ors. 315 SB CWP2015 State & Ors. . 10499 Ravindra Singh Satawat 316 SB CWP2015 State & Ors. . 10503 Surajpal Singh 317 SB CWP2015 State & Ors. . 10504 Balu Lal Balai & Ors. 318 SB CWP2015 State & Ors. . 10506 Sunita Kumari Maida 319 SB CWP2015 State & Ors. . 10507 Pinki Verma & Ors. 320 SB CWP2015 State & Ors. . 10509 Deepak Sharma & Ors. 321 SB CWP2015 State & Ors. . 10511 Smt. Manju & Anr. 322 SB CWP2015 State & Ors. . 10512 Manohar Lal & Ors. 323 SB CWP2015 State & Ors. . 10515 Santosh Kumar 324 SB CWP2015 State & Ors. . 10516 Surya Prakash 325 SB CWP2015 State & Ors. . 10517 Sarita Manda & Ors. 326 SB CWP2015 State & Ors. . 10519 Karishma Kall 327 SB CWP2015 State & Ors. . 10539 Deva Ram Jakhar & Ors. 328 SB CWP2015 State & Ors. . 10541 Dharmi Lal & Ors. 10 329 SB CWP2015 State & Ors. . 10543 Labh Shankar & Ors. 330 SB CWP2015 State & Ors. . 10546 Laxman Lal Meena & Ors. 331 SB CWP2015 State & Ors. . 10547 Vinod Raval 332 SB CWP2015 State & Ors. . 10553 Pradeep Kumar & Ors. 333 SB CWP2015 State & Ors. . 10565 Vinod Vaishnav & Ors. 334 SB CWP2015 State & Ors. . 10577 Abdul Razak & Ors. 335 SB CWP2015 State & Ors. . 10578 Manish Kumar & Ors. 336 SB CWP2015 State & Ors. . 10579 Raju Singh 337 SB CWP2015 State & Ors. . 10580 Babu Ram & Anr. 338 SB CWP2015 State & Ors. . 10581 Vikram Singh & Anr. 339 SB CWP2015 State & Ors. . 10582 Prakash Chand 340 SB CWP2015 State & Ors. . 10586 Firoz Khan & Ors. 341 SB CWP2015 State & Ors. . 10590 Vimal Kumar Swami 342 SB CWP2015 State & Ors. . 10591 Leela 343 SB CWP2015 State & Ors. . 10596 Inderjeet Kaur & Ors. 344 SB CWP2015 State & Ors. . 10603 Deva Ram 345 SB CWP2015 State & Ors. . 10604 Anil Kumar Jain & Ors. 346 SB CWP2015 State & Ors. . 10607 Rampal

Prajapat 347 SB CWP2015 State & Ors. . 10609 Sumitra 348 SB CWP2015 State & Ors. . 10615 Vimla Kumari 349 SB CWP2015 State & Ors. . 10617 Swaroop Ram Meghwal & Ors. 350 SB CWP2015 State & Ors. . 10618 Mamta Rani 351 SB CWP2015 State & Ors. . 10619 Pushpa Purohit & Anr. 352 SB CWP2015 State & Ors. . 10625 Anita 353 SB CWP2015 State & Ors. . 10629 Bhuri Meghwal & Anr. 354 SB CWP2015 State & Ors. . 10631 Prabhu Lal & Ors. 355 SB CWP2015 State & Ors. . 10632 Shweta Sharma & Ors. 356 SB CWP2015 State & Ors. . 10634 Vishan Lal Nayak 357 SB CWP2015 State & Ors. . 10638 Shafeek Ahmed 358 SB CWP2015 State & Ors. . 10642 Manju Mewara 359 SB CWP2015 State & Ors. . 10648 Ra Kumar Swarankar 360 SB CWP2015 State & Ors. . 10657 Radha Kishan Acharya & Ors. 11 361 SB CWP2015 State & Ors. . 10672 Adrish Ali & Ors. 362 SB CWP2015 State & Ors. . 10682 Satya Narayan Meena & Anr. 363 SB CWP2015 State & Ors. . 10742 Tara Chand & Ors. 364 SB CWP2015 State & Ors. . 10743 Tulsi Devi & Ors. 365 SB CWP2015 State & Ors. . 10744 Sheela Bishnoi & Anr. 366 SB CWP2015 State & Ors. . 10766 Birma Ram & Ors. 367 SB CWP2015 State & Ors. . 10795 Shobha Ram & Anr. 368 SB CWP2015 State & Ors. . 10812 Anju Rathore & Ors. 369 SB CWP2015 State & Ors. . 10819 Nilima Sharma & Ors. 370 SB CWP2015 State & Ors. . 9532 Girish Kumar Joshi & Ors. 371 SB CWP2015 State & Ors. . 9758 Sugna Ram & Ors. 372 SB CWP2015 State & Ors. . 10016 Kavita Rani & Ors. Date of order :

01. 10.2015 HON'BLE MR. JUSTICE SANDEEP MEHTA Counsel for the petitioners: Dr.Nupur Bhati Mr.Kuldeep Mathur Mr.Kailash Jangid Mr.Awar Dan Charan Mr.Hemant Choudhary Mr.BS Tanwar Mr.Amit Dave Mr.Vinay Jain Mr.NR Choudhary Mr.AK Choudhary Mr.VN Kalla Mr.RS Choudhary Mr.Hanuman Singh Mr.HP Rankawat Mr.PS Chundawat Mr.Mukesh Rajpurohit Mr.Sukesh Bhati Mr.Rakesh Matoria Mr.SK Verma Mr.Suresh Singh Baghmalani Mr.Vineet Jain Mr.Shardul Bishnoi Mr.Sudhir Saruparia Mr.MS Godara Mr.Sushil Solanki Mr.PR Mehta Mr.VR Choudhary Mr.Vikas Bijarnia Mr.BS Deora Mr.KR Saharan Mr.Manoj Purohit Mr.Ravindra Paliwal Mr.Hemant Jain Mr.SS Sisodia Mr.RS Saluja Mr.SD Goswami Mr.TS Rathore Mr.Rajesh Poonia Mr.Yashpal Khileree Mr.Parwez Moyal Mr.Vinod Choudhary Mr.KK Bissa Mr.RC Joshi Mr.Arjun Purohit Mr.Shambhoo Singh Mr.Vipin Makkad Mr.DK Joshi Mr.NR Budania Mr.SS Khatri Mr.Inderjeet Yadav Mr.Deepak Nehra Mr.CS Kotwani 12 Mr.Ravindra Acharya Mr.Rakesh

Arora Mr.SN Rajpurohit Mr.JS Bhaleria Mr.SS Nirban Ms.Suman Choudhary Mr.NL Joshi Mr.VK Bhadu Mr.SR Godara Mr.NK Sharma Mr.VS Bhavla Mr.Mrigraj Singh Mr.Mahaveer Pareek Mr.MS Rathore Mr.GL Choudhary Mr.RD Potaliya Mr.Gopal Acharya Mr.Sudhir Sharma Mr.Dashrath Singh Mr.Sushil Bishnoi Mr.SS Jodha Mr.Sunny Chagara Mr.Bharat Devasi Mr.Sanjay Nahar Mr.Rohitash Singh Mr.Amit Gour Mr.Khet Singh Mr.Jog Singh Bhati Mr.RP Singariya Mr.DS Sodha Mr.Abhishek Sharma Mr.OP Kumawat Mr.NK Sharma Mr.AA Sharma Mr.HR Chawla Mr.Ramniwas Choudhary Mr.SS Ladreacha, AAG with Mr.Vikas Choudhary, for the respondents. <><><> Through this batch of writ petitions filed under Article 226 of the Constitution of India, the petitioners herein crave liberty to be allowed to participate in a recruitment process initiated by the respondent State Government through an advertisement dated 8.8.2015 inviting applications from eligible candidates for direct recruitment against 30522 vacancies on the posts of Vidhyalaya Sahayaks under the Rajasthan Vidhyalaya Sahayak Subordinate Service Rules, 2015 (hereinafter referred to as the Rules). As per the scheme of the Rules and the advertisement, the aspirants are required to be holding a degree of Sr. Secondary (10+2) from a recognized Board or its equivalent and should have gained working experience of minimum one 13 year in terms of the definition of experience as provided in Rule 2(j) of the Rules. The merit list for selection is to be prepared by accounting for the marks acquired by the eligible candidates in the Senior Secondary with addition of bonus marks for work experience. Rule 15 of the Rules prescribe that an aspirant for direct recruitment to a post enumerated in the Schedule-1 (Vidhyalaya Sahayak) must have attained the age of 18 years and should not have crossed the age of 35 years by the first day of the January next following the last date fixed for receipt of applications that is to say that the candidate should not be below 18 years and above 35 years of age as on 1.1.2016. The upper age limit is relaxable by 5 years in cases of male candidates belonging to Scheduled Castes/Scheduled Tribes, backward classes and special backward classes, women candidates belonging to General Category and economically backward classes. Relaxation of 10 years is permissible in the upper age limit for women candidates belonging to Scheduled Castes/Scheduled Tribes, backward classes and special backward classes. Relaxation of 5 years is also admissible to the applicants who, at the time of applying, are serving. in any of the

Govt. schools/State Government run educational projects as defined in Rule 2(j) of the Rules. Such persons will be deemed to be within the permissible age limit if they had been within the age limit when they were initially engaged in 14 their earlier stint of service, even though they may have crossed the age limit at the time of current direct recruitment. Meaning thereby that a candidate, who is continuing to serve in any of the positions described in Rule 2(j) of the Rules, at the time of applying in the current selection process, would be deemed to be within the age limit, notwithstanding that, he/she has crossed the upper age limit of 35 years if he/she was not overage at the time of recruitment in the earlier stint of service. As per the advertisement, the applicants were required to submit their online application forms accompanied with the experience certificate in the prescribed format countersigned by the concerned District Education Officer. A flood of litigation ensued after the issuance of the advertisement on various grounds. A large number of writ petitions were preferred by the aggrieved candidates before the Honble Division Benches at the Principal Seat as well as the Jaipur Bench of this Court giving challenge to the validity of the Rules of 2015. In a batch of writ petitions led by D.B.Civil Writ Petition No.8062/2015 Rajni Purohit & Ors. Vs. The State of Rajasthan & Ors.

. preferred before the Principal Seat of this Court, challenge was given to the validity of Rule 25 of the Rules, to the extent, the said Rule does not provide for weightage of experience gained by the persons while working in the 15 different schools/projects of the Government of Rajasthan while being employed through placement agencies.. The Honble Division Bench, after examining the controversy, allowed the writ petitions by order dated 28.08.2015 and declared that Rule 25 and Rule 2(j) of the Rules, to the extent, the persons employed through placement agencies, were excluded from the benefit of weightage for work experience, were illegal and ultravires. the Constitution of India. The Rules were directed to be amended accordingly. Thus, the eligible candidates, who gained the requisite experience by working in the situations described under Rule 2(j) of the Rules notwithstanding having engaged through placement agencies, are entitled to be considered for appointment in the questioned selection process. It is informed by Mr.Ladreacha, learned AAG that the State has challenged the order dated 28.08.2015 passed by this Court in Rajni Purohits case (supra) by preferring an

SLP before the Honble Supreme Court but till date, no stay order has been passed therein. In another batch of writ petitions led by D.B.Civil Writ Petition No.11831/2015 Masood Akhtar & Ors. Vs. State of Rajasthan & Ors.

., the Honble Division Bench at Jaipur, by its order dated 3.9.2015, turned down the prayer made by the aspiring candidates, who, claiming themselves to be outstanding sports persons challenged the vires of the Rules, which do not allow the sports persons not having the requisite 16 experience of one year in terms of Rule 2(j) of the Rules from participating in the recruitment process. The challenge was turned down by the Honble Division Bench and the writ petitions were dismissed. Thus, an outstanding sports person, who has not gained minimum one years work experience in terms of Rule 2(j) of the Rules, is not entitled to apply in the questioned selection process. In a batch of writ petitions led by D.B.Civil Writ Petition No.12228/2015 Subhash Chandra & Ors. Vs. State of Rajasthan & Ors.

., the issue was regarding the entitlement of Ex-servicemen to apply in the selection process on the strength of the experience gained in Army Services. The Court, after examining the controversy held that the claim of Ex- servicemen for being exempted from the requirement of one years work experience in terms of Rule 2(j) of the Rules, was not sustainable. The writ petitions were thus dismissed. In this background, the applications submitted by the Ex- servicemen not holding the requisite experience of one year in terms of Rule 2(j) of the Rules are liable to be rejected and they are not entitled to apply for selection as Vidhyalaya Sahayaks. In a batch of writ petitions led by D.B.Civil Writ Petition No.11829/2015 Govind Prasad Sharma & Ors. Vs. State of Rajasthan & Ors.

., the issue under consideration was regarding the entitlement of the aspirants, who gained 17 experience as Preraks, Anganwadi Workers, Guest Faculty, in Mid Day Meal project, in Child Labour Projects and other categories of employment on daily wages, contract or temporary employment. The Honble Division Bench at Jaipur, by its judgment dated 17.9.2015, held that the State Government is justified in excluding these categories of aspirants from the zone of consideration. It was held that the experience gained while working in the Integrated Child Development Scheme, Sarva Shiksha Abhiyan, Anganwadi Kendras, Mid-Day

Meal project, as Guest Faculty, in Child Labour Projects, as Preraks and Computer Operators appointed in Sarva Shiksha Abhiyan for providing computer instructions to the students, could not be equated with the kind of experience, which is required by the rule making authority under the provisions of the Rules of 2015. The challenge given to the Rules by these categories of aspirants was thus turned down by the Honble Division Bench. Thus, the persons having gained experience by working in the above situation would not be entitled to apply in the recruitment process and their application forms are liable to be rejected. Another set of writ petitions led by D.B.Civil Writ Petition No.12288/2015 Saroj Devi Raigar & Anr. Vs. State of Rajasthan & Ors.

. was preferred by the Vidhyarthi Mitras currently serving in the government institutions/projects but not having experience of one year. The said batch of writ 18 petitions was dismissed by the Honble Division Bench of this Court at Jaipur by order dated 9.9.2015 and the prayer made by those petitioners for relaxing the minimum one year experience criterion was turned down. Thus, it is clear that any applicant, who does not have minimum experience of one year by having worked in the positions/situations described in Rule 2(j) of the Rules would not be entitled for consideration against the advertised vacancies. In the batch of writ petitions led by D.B.Civil Writ Petition No.12304/2015 Rameshwar Lal & Ors. Vs. State of Rajasthan & Ors.

., the question regarding the eligibility of the candidates, who had crossed the outer age limit was examined and the Court by its order dated 8.9.2015 held that relaxation in age limit of 35 years under Rule 15(10) shall be admissible only in case where, the applicant is still serving. in any of the Govt.Schools/projects as on the date of the submission of the application forms. Viewed in light of the above orders, it is manifest that almost all controversies regarding the entitlement of various categories of aspirants claiming appointment as Vidhyalay Sahayak in the questioned recruitment process have already been settled by this Court. As a result, neither any scope remains nor any extensive directions are required to be issued in this batch of writ petitions but still, in order to ensure that no confusion 19 remains at any quarter:- (A) It is made clear that the candidates, who gained experience in any school/scheme and in the position other than the ones provided

in Rule 2(j) of the Rules shall not be entitled for consideration in view of the various judgments rendered by the Honble Division Bench of this Court upholding the validity of the Rules as indicated above. At the same time, the candidates who gained the requisite experience as per Rule 2(j) while being engaged through placement agencies shall be entitled to be considered for selection. (B) The categories of persons, who gained experience while working as Preraks, Guest Faculty, Anganwadi Workers or in Bharati Foundation, in Maa-Badi Project, Bal-Badi Project, in Anaupcharik Shiksha Project, in Mukhyadhara Shiksha Project and in Water Conservation Project, shall not be entitled to be considered for selection in the questioned recruitment process. (C) Those, who have crossed the upper age limit as provided in Rule 15 and were not serving in any of the Govt. Schools/projects defined in Rule 2(j) of the Rules as on the date of the submission of the application forms, shall also not be entitled to be considered for selection. (D) Those candidates, who gained experience while working in any of the schools/projects defined in Rule 2(j) of the Rules and were underage at the time of their initial entry in the 20 earlier stint of service, will not be ousted from the zone of consideration in case presently, they are within the prescribed age limit i.e. 18 to 35 years. The major hurdle faced by the aspirants was that despite fulfilling the requisite norms, they were not successful in uploading their online application forms in absence of the experience certificate in the prescribed proforma. The grievance raised by the candidates was that the concerned District Education Officers are not countersigning the experience certificates and therefore, they are being prevented from applying in the selection process despite being eligible. This Court, by interim orders passed on different dates has already allowed the aspiring candidates to submit their offline application forms to the authorities but the final right of consideration has been made subject to the out come of these writ petitions. Since the issues relating to numerous possible scenarios in relation to the recruitment, have already been settled with the decisions rendered by this Court in the abovementioned batches of writ petitions, it is now upto the authorities to either scrutinize the petitioners offline applications or to devise a procedure by which online application forms of those candidates, who submitted offline applications under the interim directions of this Court can be procured so as to facilitate and expedite the scrutiny process. 21 The respondent authorities shall

scrutinize the application forms by adopting a suitable method. The application forms of the eligible aspiring candidates shall not be rejected solely for the reason of not being accompanied with the experience certificate in the prescribed proforma. In such cases, the authorities shall get the experience certificates verified before proceeding with the selection. The experience certificates shall be accepted only subject to verification by the issuing authority. In case, the candidature of a candidate is rejected for the reason that the experience gained by the concerned candidate is not covered within the ambit of Rule 2(j) of the Rules, then in such event, the brief reason of rejection shall be communicated to the candidate concerned as early as possible. No order as to costs. A copy of this order be placed in each file. (SANDEEP MEHTA), J.

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