

Pukhraj Vs. the State of Rajasthan

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Court : Rajasthan

Decided On : Jan-05-1978

Reported in : 1978WLN(UC)9

Judge : D.P. Gupta, J.

Appeal No. : S.B. Civil Writ Case No. 385 of 1973

Appellant : Pukhraj

Respondent : The State of Rajasthan

Disposition : Petition dismissed

Judgement :

D.P. Gupta, J.

1. The petitioner seeks to challenge by this writ petition the amendment introduced in Rule 7 by the Rajasthan Tehsildar Service (Amendment) Rules 1973, vide notification dated 22nd February 1973 and has further prayed that the respondents be restrained from making any promotions to the post of Naib-Tehsildar on the basis of the aforesaid amendment made in Rule 7 of the Rajasthan Tehsildar Service Rules 1956. It has how come to the notice of this court that the amendment made in Rule 7 by the notification dated 22/2/73 is no longer in force. The provisions of Rule 7 introduced in the Rajasthan Tehsildars Service Rules by

the notification dated 22/2/73 stand superseded by the Rajasthan Tehsildars Service (Amendment) Rules 1976 published vide notification dated 17th December 1976 in Rajasthan Rajpatra of the same date. By the aforesaid notification dated 17/12/76 existing Rule 7, which was introduced by the earlier notification dated 2/2/73, has been entirely substituted & a new rule has been brought into force with effect from 17th Decemebr, 1976. As such the amendment of Rule 7 introduced by the notification dated 22-2-1973 is no longer in force and no useful purpose now would be served by considering the question of vires thereof. Moreover, the respondents cannot now be restrained from making any promotion, on the basis of Rule 7 as introduced by the aforesaid notification dated 22nd February, 1973, as the same stands superseded and no promotion can now be made on the basis thereof. In these circumstances, the writ petition has become infractions and is dismissed. The parties are left to bear their own costs.