HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

S.B. Civil Writ Petition No. 15733/2023

1. Arun Pancholi S/o Shri Manmohan Pancholi, Aged About 34 Years, R/o Prakash Bhawan Mangalpura Jhalawar, District Jhalawar (Raj.).
2. Devkinandan Sain S/o Shri Bhagwan Singh, Aged About 37 Years, R/o Village And Post Naglatula, Tehsil Rupwas, District Bharatpur (Raj.).
3. Ashok Kumar Nod S/o Shri Ghashi Ram Nod, Aged About 37 Years, R/o Village And Post Sihodi, Tehsil Shri Madhopur, District Sikar (Raj.).

----Petitioners

Versus

1. State Of Rajasthan, Through Its Home Secretary, Secretariat, Jaipur (Raj.).
2. Director General Of Police, Rajasthan, Jaipur.
3. Inspector General Of Police (Kota Range), Kota (Rajasthan).
4. Superintendent Of Police, Jhalawar (Raj.).

----Respondents

For Petitioner(s) : Mr. Vinod Jhajharia (through VC)
For Respondent(s) :

HON'BLE MR. JUSTICE VINIT KUMAR MATHUR

Order

09/10/2023

1. It is submitted by the counsel for the petitioners that the issue raised in the present writ petition is covered by the judgment in Dara Singh v. State of Rajasthan & Ors. : S.B. Civil Writ Petition No.11973/2012, decided on 17.12.2012.

2. In the case of Dara Singh (supra), a coordinate Bench of this Court, inter alia, directed as under:

> "Learned counsel for the petitioner submits that realizing the mistake, appointment has been given, thus, grievance of petitioner to the extent is redressed, but appointment should have been made effective from the date candidates lesser in merit were given appointment with notional benefits.
>
> In view of the prayer made and taking note of the order dated 13.12.2012 whereby petitioner is given appointment realizing mistake by the respondents, I consider it proper to direct that aforesaid appointment should be treated from the date when lesser meritorious candidates were given. The petitioner would, accordingly, be entitled to the notional benefits and seniority from the date persons with less merit were given appointment. The actual benefits would be allowed from the date of joining pursuant to the order dated 13.12.2012.
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> With the aforesaid, writ petition stands disposed of."

3. In view of the submissions made, the writ petition filed by the petitioners is disposed of with similar directions to the respondents No.3 & 4 as given in the case of Dara Singh (supra).

4. The order has been passed based on the submissions made in the petition, the respondents would be free to examine the veracity of the submissions made in the petition and only in case, the averments made therein are found to be correct, the petitioners would be entitled to the relief.

(VINIT KUMAR MATHUR),J

115-/Shahenshah/-