

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 14252/2015

(Arising out of impugned final judgment and order dated 25-02-2015 in DBCWP No. 4331/2010 passed by the High Court Of Judicature For Rajasthan At Jodhpur)

STATE OF RAJASTHAN & ORS.

Petitioner(s)

VERSUS

VIJAY KUMAR SONI

Respondent(s)

(List only I.A. Nos. 107897, 111550 & 111553/2019 (Appn. for Directions)

IA No. 111550/2019 - CLARIFICATION/DIRECTION

IA No. 107897/2019 - CLARIFICATION/DIRECTION

IA No. 111553/2019 - EXEMPTION FROM FILING O.T.)

Date : 11-09-2019 This matter was called on for hearing today.

CORAM : HON'BLE MS. JUSTICE INDU MALHOTRA
HON'BLE MR. JUSTICE R. SUBHASH REDDY

For Petitioner(s) Dr. Manish Singhvi, Sr. Adv.
Mr. Satyendra Kumar, Adv.
Mr. Shailja Nanda Mishra, Adv.
Mr. Harsha Vinoy, Adv.
Mr. Milind Kumar, AOR

For Respondent(s) Mr. Gaurav Khanna, AOR
Mr. Abhishek Gautam, Adv.
Mr. Shiv Pasricha, Adv.

UPON hearing the counsel the Court made the following
O R D E R

The present Special Leave Petition arises out of the Judgment and Order dated 25th February, 2015 passed in Division Bench Civil Writ Petition No. 4331/2010 passed by the Rajasthan High Court at Jodhpur.

The issue which had arisen for consideration was with respect to an amendment issued by a Notification dated 25th January, 2010 to the Rajasthan Land Revenue (Qualifications and Conditions of Service of Chairman and Members of Board) Rules, 1971. Rule 4 of the 1971 Rules was amended to enhance the age for qualification for appointment of the Chairman and Members of the Board, from 50 years to 54 years.

The respondent herein had submitted an application for appointment as a Member of the Board. The respondent thereafter filed a Writ Petition before the High Court to challenge the Amendment to Rule 4. The Writ Petition was allowed by the Judgment under challenge. The Division Bench held that the Notification dated 25th January, 2010 to the extent that it introduces an Amendment to Rule 4(C) deserves to be quashed and set aside.

During the pendency of the Writ Petition, the High Court had directed that the respondent be provisionally considered for the post of Member, Board of Land Revenue. The respondent appeared before the Committee constituted under the Rules of 1971. The results of the said selection were directed to be kept in sealed cover. At the time of final hearing, the sealed cover was opened. It was found that the writ petitioner/respondent herein was placed at serial no. 1. Since the respondent was the successful candidate for the post of Member of Board of Revenue, the High Court directed that the respondent herein/writ petitioner be offered appointment to the post.

The respondent was consequently appointed on 22nd May, 2015 as Member, Board of Land Revenue, when he was over 56 years of age. Hence, the issue of minimum age of 54 years would no longer be an issue in this case.

On an I.A. filed before this Court, a detailed Order was passed on 20th February, 2017. The Court after considering the facts stated herein above, recorded that the respondent was appointed on 22nd May, 2015, when he was admittedly over 54 years of age. The Additional Advocate General appearing for the State did not dispute that the respondent was by then 56 years and 4 months. In this view of the matter, this Court directed that the appointment of the respondent/applicant would not be undone, merely on account of the interim order granted at the stage of admission.

During the pendency of the present Special Leave Petition, the respondent has since superannuated on 31st August, 2018.

In this view of the matter, we direct that the respondent be granted all the benefits attached to the post of the position of Member of Board of Revenue, including post-retiral benefits.

The Special Leave Petition is disposed of in these terms.

Pending applications, if any, shall also stand disposed of.

The question of law with respect to the validity of Rule 4 of the said Rules is left open.

(POOJA CHOPRA)
COURT MASTER

(RAJINDER KAUR)
BRANCH OFFICER