

(2019) 01 RAJ CK 0343

In the Rajasthan High Court

Case No : Civil Writ Petition No. 27560 Of 2018

Arjun Bhardwaj

APPELLANT

Vs

Registrar General High Court And Ors

RESPONDENT

Date of Decision : 15-01-2019

Acts Referred:

Rajasthan Judicial Service Rules, 2010 — Rule 17

Citation : (2019) 01 RAJ CK 0343

Hon'ble Judges : Mohammad Rafiq, J;Goverdhan Bardhar, J

Bench : Division Bench

Final Decision : Disposed Off

Judgement

In this writ petition, the petitioner has approached this Court inter alia with the prayer that Rule 17 of the Rajasthan Judicial Service Rules, 2010 (for short 'the Rules of 2010') may be declared ultra vires, unconstitutional, discriminatory on the premise that State Government in all other similar Rules pertaining to different States Services has enhanced the upper age limit to compete for appointment in the case of general category from 35 years to 40 years whereas Rule 17 of the Rules of 2010 still continues to prescribe such age limit as 35 years.

During the process of receiving application forms for appointment on the post of Civil Judge (Junior Division) and Judicial Magistrate, Rule 17 of the Rules of 2010 has been amended by Rajasthan Judicial Service (Amendment) Rules, 2018 vide notification dated 27.12.2018 in the following terms:-

"3. Amendment of rule 17.- In rule 17 of the said rules,-

(i) for the existing expression "23 years", the expression "21 years" shall be substituted;

(ii) for the existing expression "35 years", the expression "40 years" shall be substituted;

(iii) the existing proviso (ii) shall be deleted;

(iv) after the existing proviso (v), the following new proviso (vi) shall be added, namely:-

"(vi) the upper age limit mentioned above shall be relaxed for persons with benchmark disabilities by,-

(a) 10 years for candidates belonging to General Category;

(b) 13 years for candidates belonging to Backward Classes and More Backward Classes; and

(c) 15 years for candidates belonging to Scheduled Caste or Scheduled Tribes"; and

(v) after the proviso (vi) so added, the following explanation shall be added, namely:-

"Explanation: The relaxation in age will be admissible only in one category, mentioned in the proviso above."

It is informed that last date for receipt of application forms has been extended from 05.01.2019 to 15.01.2019 and submitted that the Amended Rule 17 now effectively redresses grievances of the petitioner and any such application submitted by the petitioner shall be considered by the respondents as valid application as the aforesaid Amended Rule 17 brings the petitioner within the age limit. However, this shall be the subject to scrutiny of the application of the petitioner by the respondents and if the application is found in conformity with the Amended Rule 17, the same shall be considered accordingly and he shall be permitted to appear in the written examination like any other candidate, who is covered by the Amended Rule 17 and now files the online application.

In view of above, the writ petition is disposed of as having been rendered infructuous. It would, however, be open to the petitioner, if he wishes to file any fresh online application in accordance with the Amended Rule 17 within the period of extended last date. In that case, the respondents shall act on the online application of the petitioner or else proceed on the basis of his off line application.

Stay application also stands disposed of.