

(2016) 04 RAJ CK 0098
In the Rajasthan High Court
Case No : Civil Writ Petition No. 3747 of 2016

Maresh Vyas

APPELLANT

Vs

Rajasthan High Court

RESPONDENT

Date of Decision : 18-04-2016

Acts Referred:

Constitution of India, 1950 — Article 226
Rajasthan Judicial Service Rules, 2010 — Rule 17(ii)

Citation : (2016) 4 WLN 71

Hon'ble Judges : Mr. Govind Mathur and Mr. Pankaj Bhandari, JJ.

Bench : Division Bench

Advocate : Dr. Nupur Bhati, Advocate, for the Petitioner

Final Decision : Dismissed

Judgement

1. For recruitment to the Civil Judge Cadre of the Rajasthan Judicial Service, the process of recruitment was initiated as per provisions of the Rajasthan Judicial Service Rules, 2010 under the notification dated 12.03.2016. As per proviso (ii) to Rule 17, the upper age limit, for participating in the selection process, for the persons serving in connection with the affairs of the State, Panchayat Samities, Zila Parishads or Public Sector Undertakings/Corporations in substantive capacity, shall be 40 years.
2. The grievance of the petitioner is that he is working with the Rajasthan High Court as Manager on contractual basis, but no relaxation have been extended to him, as per proviso referred above. According to the learned counsel for the petitioner, the service of the 2 of 2 petitioner is in connection with the affairs of the State, therefore, he is entitled for the relaxation.
3. We do not find any merit in the argument advanced.
4. The proviso extends relaxation to the persons serving in connection with the affairs of the State, Panchayat Samities, Zila Parishads or Public Sector Undertakings/Corporations in substantive capacity.

5. The petitioner being a person working on contractual basis, is not a person working in substantive capacity. The proviso (ii) to Rule 17 is having application for the persons serving in substantive capacity only, hence, it has no application for the petitioner. It is further relevant to mention that the term of contractual appointment of the petitioner too have been expired and he is presently in employment by the force of an interim order.

6. In view of whatever stated above, the petition for writ is having no merit, hence, dismissed.