

**(2014) 10 RAJ CK 0105**  
**In the Rajasthan High Court**  
**Case No : Civil Writ Petition No. 4763/2013**

Ramkishore

APPELLANT

Vs

State of Rajasthan

RESPONDENT

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**Date of Decision :** 01-10-2014

**Acts Referred:**

**Citation :** (2014) 10 RAJ CK 0105

**Hon'ble Judges :** Sunil Ambwani, Acting C.J.; Vijay Bishnoi, J

**Bench :** Division Bench

**Advocate :** Ravindra Singh and Nupur Bhati, Advocate for the Appellant; P.R. Singh, Addl. Advocate General and S.S. Ladrecha, Addl. Advocate General, Advocate for the Respondent

**Final Decision :** Dismissed

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## Judgement

Vijay Bishnoi, J.—By this petition, the petitioner has challenged the validity of newly added proviso to Rule 14 of the Rajasthan Rural Development and Panchayati Raj State and Subordinate Service Rules, 1998 (hereinafter after referred to as "the Rules of 1998"). Impugned proviso to Rule 14 of the Rules of 1998 is reproduced hereunder:

"the upper age limit mentioned above shall be relaxed in case of direct recruitment to the post of Junior Engineer, Assistant Programme Officer, Computer Instructor (PR), Accounts Assistant, Coordinator Training, Coordinator I.E.C. and Coordinator Supervision by a period equal to service rendered on contract other than through placement agency on the post of Junior Technical Assistant/Senior Technical Assistant, Junior Engineer, Programme Officer, Assistant Programme Officer, Manager SGSY, Programmer, MIS Manager, Lekha Sahayak/Accountant/Assistant Accounts Officer, Coordinator Training, Consultant Training, Coordinator IEC or Coordinator Supervision under MGNREGA, or any scheme of the Department of Rural Development and Panchayati Raj or Junior Engineer working on contract other than through placement agency under any project of the Department of Education in the State, if he/she was not over age

at the time of engagement."

2. The petitioner is aggrieved by the condition mentioned in the newly added proviso to Rule 14 of the Rules of 1998, which prescribes that age relaxation in upper age limit will be provided by a period equal to service rendered on contract to those candidates only, who were not over age at the time of their engagement in the schemes mentioned in the provision.

3. After going through the facts mentioned in the writ petition, we find that the challenge of the petitioner to the newly added proviso to Rule 14 of the Rules of 1998 is misplaced as no cause of action arises to the petitioner to challenge the same.

4. As per the facts mentioned in the writ petition, the petitioner was initially appointed on the post of Lab Assistant under the Rajasthan Educational Subordinate Service Rules, 1971 by the District Education Officer, Nagaur on 20.10.1991. In the year 1997, the services of the petitioner were declared surplus along with several other similarly situated persons and he was absorbed on the post of Teacher Gr. III by the order of the District Education Officer, Nagaur.

5. On 05.07.2008, Rajasthan Elementary Education Council, Jaipur issued an advertisement for filling up the vacant posts of the Junior Engineers by the method of deputation of the employees of State Government. In the said advertisement, it is mentioned that the persons, who are working as Lab Assistant/Teacher in the Education Department and having the requisite experience in construction works are also eligible for appointment on the post of Junior Engineer. The petitioner, having the qualification for appointment on the post of Junior Engineer, applied in pursuance to the advertisement dated 05.07.2008 issued by the Rajasthan Elementary Education Council and was appointed as J. En. for a period of one year on deputation vide order dated 23.08.2008 and till date, the petitioner is working as Junior Engineer on deputation with the Rajasthan Elementary Education Council.

6. From the above facts, it is clear that the petitioner is a substantive employee of the Education Department of Government of Rajasthan and at present working on the post of J. En. on deputation with the Rajasthan Elementary Education Council. The appointment of the petitioner cannot be termed as appointment on contract basis under any of the schemes mentioned in the proviso to Rule 14 of the Rules of 1998. The petitioner is under a misconception that his appointment on deputation as J. En., vide order dated 23.08.2008 under the Rajasthan Elementary Education Council, is liable to be treated as his engagement under any scheme of the State Government.

7. Looking to the above facts, we are clearly of the view that the challenge of the petitioner to the validity of the newly added proviso to Rule 14 of the Rules of 1998 is misplaced and the petitioner has no cause of action to challenge the same.

8. Hence, there is no force in this writ petition and the same is hereby dismissed. Stay petitions also stand dismissed.

9. There shall be no order as to costs.