

(2024) 01 RAJ CK 0144

In the Rajasthan High Court

Case No : Review Petition (Writ) No. 130 Of 2023

State Of Rajasthan And Others

APPELLANT

Vs

Manvendra Singh Rathore

RESPONDENT

Date of Decision : 31-01-2024

Acts Referred:

Constitution Of India, 1950 — Article 14

Citation : (2024) 01 RAJ CK 0144

Hon'ble Judges : Dinesh Mehta, J

Bench : Single Bench

Advocate : Manish Vyas, Kailash Choudhary

Final Decision : Dismissed

Judgement

Dinesh Mehta, J

1. By way of present review petition, the State has sought review of the order dated 29.03.2023, whereby clause No.7(iv) of the advertisement dated 04.12.2019 has been quashed.

2. Learned Additional Advocate General argued that, while deciding the case of Akshay Kumar Khatri Vs. State of Rajasthan & Ors. (S.B.Civil Writ Petition No.7092/2019) on 15.01.2020, while noticing that the condition of possessing a driving licence issued at least a year prior to the notification was neither contained in the Rules nor in the standing order, the Court had quashed the condition, whereas in the present case, the State had already issued standing order dated 06.11.2019 providing for such stipulation in clause No. 7(h).

3. Learned Additional Advocate General argued that in the face of clause No.7(h) of the standing order, the clause No.7(iv) of the advertisement could not have been quashed.

4. Learned Additional Advocate General submitted that though such plea was taken in the reply, but it could not be brought to the notice of the Court and

therefore, the order under consideration deserves to be reviewed.

5. Heard learned counsel for the petitioners and perused the record.

6. The fact that the standing order dated 06.11.2019 could not be brought to the notice of this Court maybe is a reason enough to review the order dated 29.03.2023, but then, if the adjudication made by this Court in the case of Akshay Kumar Khatri (supra) is carefully gone into, more particularly para Nos. 13 to 15, it is apparent that this Court had quashed the parimateria clause, holding it to be violative of Article 14.

7. While deciding the case of Akshay Kumar Khatri (supra), this Court has clearly observed that neither in the standing order nor in the Rules such condition has been prescribed. That apart, it has been held that unless there is a requirement of one year's experience in the advertisement or in the rules, condition of holding a licence issued at least a year prior to the date of advertisement has no rationale or nexus with the object sought to be achieved.

8. In the face of what has been adjudicated in the case of Akshay Kumar Khatri (supra), this Court does not find any error, much less an apparent error in the order dated 29.03.2023.

9. The review petition is, therefore, dismissed.