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**(2017) 11 RAJ CK 0073**  
**In the Rajasthan High Court**  
**Case No : 1032 of 2017**

State of Rajasthan

APPELLANT

Vs

Rakesh Sharma S/o Shri Shanker Lal

RESPONDENT

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**Date of Decision :** 30-11-2017

**Acts Referred:**

**Citation :** (2017) 11 RAJ CK 0073

**Hon'ble Judges :** Sangeet Lodha, Vinit Kumar Mathur

**Bench :** DIVISION BENCH

**Advocate :** B.L.Bhati

**Final Decision :** Dismissed

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## **Judgement**

1. The defects No.2 and 3 pointed out by the Registry are waived.
2. The appeal is reported to be barred by limitation for 229 days. The explanation furnished for inordinate delay in filing the appeal is not plausible and cannot be accepted. However, we have considered the matter on merits as well.
3. The writ petition preferred by the respondent has been disposed of by the learned Single Judge vide order dated 11.11.16 relying upon a decision of Coordinate Bench of this Court in the matter of "Mukesh Kumar Vs. State of Rajasthan & Ors", 2016 (3) WLC 345, wherein this Court held:  
  
"15. Viewed in light of the above factual scenario, it is evident that the Rules do not pose any hurdle against the petitioner's right to be appointed in the police services. At best, a rider can be imposed in the petitioner's appointment order

that in the event of conviction in the above criminal case, he may be liable to be terminated from service without holding any enquiry and an undertaking in this regard can be procured from him in this regard. 16. In view of the aforesaid discussion, the writ petition deserves to be and is hereby allowed. The respondents are directed to offer appointment to the petitioner on the post of Sub Inspector of Police in the questioned selection process ignoring the pendency of the above criminal case against the petitioner. However, the appointment order shall bear a condition that the petitioner's services may be terminated in the event of his conviction and he shall also submit an undertaking to this effect before joining to the post. Since the petitioner was gainfully employed as a Teacher during the intervening period, he is not entitled to any consequential benefits. However, the respondents shall grant him all notional service benefits from the date of the order Annex.6 dated 22.12.2009."

4. Learned Government Counsel submitted that the decision of this Court in Mukesh Kumar's case (supra) stands upheld by the Bench of this Court vide order dated 6.3.17 passed in D.B.Special Appeal (Writ) No. 500/2016.

5. In this view of the matter, the special appeal preferred is devoid of any merit and therefore, deserves to be dismissed.

6. Accordingly, the special appeal is dismissed as barred by limitation as also on merits.