HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 714/2026
URN: CW / 1541U / 2026

Dr. Anjali Kapoor Wife Of Shri Ajay Kapoor, Aged About 59 Years And Six Months, Resident Of 94, Sector No. 8, Vidhyadhar Nagar, Jaipur.

----Petitioner

Versus

1. State Of Rajasthan, Through Its Principal Secretary, Medical Education Department, Government Of Rajasthan, Government Secretariat, Jaipur.
2. Secretary, Department Of Personnel, Government Of Rajasthan, Government Secretariat, Jaipur.
3. Joint Secretary, Medical Education (Group I) Department, Government Of Rajasthan, Government Secretariat, Jaipur.

----Respondents

For Petitioner(s)	:	Mr. Ashok Bansal with Mr. Pawan Sharma Mr. Ayush Bansal
For Respondent(s)	:	Mr. Yesh Joshi for Mr. Vigyan Shah, AAG

HON'BLE MR. JUSTICE GANESH RAM MEENA

Order

02/07/2026

1. Though, the matter comes up the misc. application (IA No.02/2026) for early listing of the case however, with the consent of counsels of the parties and looking to the nature of petition, the same is being disposed of finally.

2. The present writ petition has been filed by the petitioner under Article 226 of the Constitution of India so as to quash and set aside the order dated 30.12.2025 passed by the Joint

Secretary, Medical Education (Group-I) Department whereby, the representation of the petitioner for enhancing superannuation age of the petitioner from 60 to 65 years was rejected and further seeking directions to the respondents to extend the age of retirement of the petitioner from 60 to 65 years and allow the petitioner to continue in service till when she attains the age of 65 years.

3. Learned counsel for the petitioner submits that the petitioner is presently working on the post of Senior Professor (Periodontics). He further submits that the petitioner was initially appointed as Assistant Professor in the year 1995 and her date of birth is 05.07.1966. He further submits that the Division Bench of this Court in case of ***Dr. Ranjan Mathur v. State of Rajasthan & Ors. (D.B. Civil Writ Petition No.6312/2022)*** decided on ***15.09.2022*** has held that words- Medical Teachers holding BDS/MDS degrees shall be read into the notification dated 30.03.2018 by which the superannuation age for the medical teachers holding MBBS degree was enhanced from 62 to 65 years. He further submits that the present petitioner is also a medical teacher holding the BDS/MDS degree and therefore, she is also entitled to continue in service seeking enhancement of the superannuation age from 60 to 65 years however, the respondents in an illegal and arbitrary manner rejected the representation of the petitioner.

4. Learned counsel appearing for the respondents, on the other hand, submits that the Hon'ble Apex Court in case of ***State of Rajasthan & Ors. v. Anisur Rahman (Special Leave Petition (C) No.9563/2024)*** decided on ***17.10.2025*** has referred the

issue of enhancement of the age of medical teachers from 60 to 65 years to the Larger Bench and the same is subjudice before the Larger Bench.

5. Considered the submissions made by learned counsel for the petitioner as well as learned counsel for the respondents and also perused the material made available on record.

6. When a query put of counsel for the respondents whether the case of the petitioner is identical to the case of ***Dr. Ranjan Mathur (supra),*** he answered 'yes' the case of the petitioner is identical to the case of ***Dr. Ranjan Mathur.***

7. In case of ***Dr. Ranjan Mathur (supra),*** the Division Bench of this Court has observed as under:-

> *"In the result of the aforesaid discussion, the words- Medical Teachers holding BDS/MDS degrees shall be read into the notification dated 30.03.2018. Consequently, it is ordered that the petitioner shall be allowed to continue in service upto the age of 65 years. The respondent authorities shall pass necessary orders to continue Medical Teachers (Dental) in service till the age of 65 years with all consequential benefits. It is however made clear that the Medical Teachers (Dental) who have alredy superannuated shall not be entitled to claim reinstatement in service."*

8. Against the order of Division Bench passed in case of ***Dr. Ranjan Mathur,*** a Special Leave Petition (C) No.19112/2022 was preferred and counsel for both the sides submit that the said SLP has been dismissed. Meaning thereby, the order of Division Bench in case of ***Dr. Ranjan Mathur*** has attained finality.

9. In compliance of the order dated 15.09.2022 passed in case of ***Dr. Ranjan Mathur,*** the respondents-Department vide its

order dated 23.09.2022 has allowed the Dr. Ranjan Mathur to continue in service after he attains the age of 62 years.

10. It has been brought to the notice of this Court that one another case of Dr. Seema Choudhary which is on the same footing, the respondents vide its order dated 17.04.2025 has allowed her to continue in service even after attaining the age of 60 years upto to the period she attains the age of 65 years.

11. In view of the admitted fact that the case of the present petitioner is identical to the case of Dr. Ranjan Mathur and so also Dr. Seema Choudhary, the petitioner deserves same treatment as has been extended to Dr. Ranjan Mathur and Dr. Seema Choudhary.

12. As far as the plea of the counsel for the respondents of Hon'ble Apex Court in case of ***Anisur Rahman (supra)*** is concerned, the Court on perusal of the said judgment is of the opinion that the Hon'ble Apex Court has just to settle the issue time to come has only referred the matter to the Larger Bench but has left open to the State-authorities that they would be entitled to either continue the medical teachers in service, even after the age of superannuation specified for them till the age of superannuation provided for MBBS doctors. Since the respondents themselves have allowed to continue Dr. Ranjan Mathur and Dr. Seema Choudhary even after they are attaing the age of 60 years upto they attained the age of 65 years, therefore, the petitioner deserves same treatment.

13. In view of the discussion made above, the Court is of opinion that the petitioner also deserves same treatment as has been

extended to Dr. Ranjan Mathur and Dr. Seema Choudhary and she deserves to be continued in service upto the age of 65 years.

14. Accordingly, the present writ petition is allowed and the order dated 30.12.2025 passed by the Joint Secretary, Medical Education (Group-I) Department (Annexure-14) is set aside. The respondents are directed to allow the petitioner to continue in service on the post of Senior Professor (Periodontics) until she attains the age of 65 years alongwith all consequential benefits.

15. In view of the order passed in the main petition, stay application as well as pending application, if any, also stands disposed of.

(GANESH RAM MEENA),J

155/Ashish Kumar