HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

S.B. Civil Writ Petition No. 4412/2024

Rekha D/o Shri Kaluram, Aged About 25 Years, R/o Ward No. 4, 9 PSD A Rawala Mandi, Sriganganagar Rajasthan.

----Petitioner

Versus

1. State Of Rajasthan, Through Principal Secretary Department Of Home, Government Secretariat, Government Of Rajasthan, Jaipur.
2. Inspector General Of Police, Rajasthan Jaipur.
3. Rajasthan Public Service Commission, Ghooghra Ghati, Jaipur Road, Ajmer Through Its Secretary.

----Respondents

For Petitioner(s) : Mr. Vinod Jhajharia, through VC

JUSTICE DINESH MEHTA

Order

19/03/2024

1. The petitioner has approached this Court with the grievance that her name was shown at serial no. 76 in the select list dated 11.12.2023 (Annexure-10) for appointment on the post of Sub Inspector in pursuance of Advertisement dated 03.02.2021, but her name has not been shown in appointment order dated 09.02.2024 though other candidates have been given appointment.

2. It is to be noted that the list of the persons appointed has been issued on 09.02.2024 and even before passing a month, the petitioner has approached this Court and preferred the present writ petition (on 07.03.2024).

3. The petitioner has prayed that a writ of mandamus be issued to the respondent, but she has not even filed a representation before the competent authority ventilating her grievances and seeking appropriate relief. It is settled position of law that a writ of mandamus is not a writ of course or a writ of right, but is discretionary. Before an applicant can enforce his/her right to get an order in the nature of mandamus, he/she has to satisfy the Court that there is an application/representation made to the respondents in this behalf and the same has been refused or remained unheard.

4. Learned counsel for the petitioner submitted that the petitioner had filed a representation, but receipt thereof was not provided to the petitioner.

5. A perusal of the pleadings shows that the petitioner has not even made such assertion in the writ petition, as to when and before whom the representation was moved.

6. The writ petition being misconceived is, hereby dismissed.

7. Needless to observe that the petitioner shall be free to file a fresh writ petition, if her candidature in any manner is rejected.

8. Stay application also stands dismissed, accordingly.

(DINESH MEHTA),J

344-Mak/-