HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

S.B. Civil Writ Petition No. 2484/2025

Mangilal S/o Shri Hetram, Aged About 52 Years, R/o Bagdi Guest House Joravarpura Jaipur Road Nokha District Bikaner (Raj.)

----Petitioner

Versus

1. State Of Rajasthan, Through Director General Of Police, Rajasthan Jaipur
2. The Inspector General Of Police, Ajmer Range Ajmer
3. The Superintendent Of Police, Nagour District Nagaur

----Respondents

For Petitioner(s)	:	Mr. Jayram Saran.
For Respondent(s)	:	Mr. Sandeep Soni for Mr. B.L. Bhati, AAG.

HON'BLE DR. JUSTICE NUPUR BHATI

Order

30/01/2025

1. Learned counsel for the petitioner submits that in a bunch writ petitions titled as ***Subhash Chandra Vs. State of Rajasthan & Ors.: SBCWP No.10353/2021,*** involving identical controversy, a Coordinate Bench of this Court has settled the issue vide judgment dated 03.09.2021 and allowed the writ petitions. He submits that the petitioner has been transferred from one district to another i.e. from District Nagaur to District Tonk, which is in contravention to Rule 26 of the Rajasthan Police Subordinate Service Rules 1989 and the same reads as under:-

> *"**26. Eligibility for promotion.** - (1) Except in the case of specialised/technical post to be specified from time to time by the Director General-cum-Inspector General of Police, the persons enumerated in Column 5 of Section I, II and*

IV of the Schedule-I holding substantive rank, shall be eligible in the case of Constable on District/Unit Battalion basis, Head Constables/Assistant Sub-Inspectors on Range basis, and Sub- Inspectors/Platoon Commanders on State basis, for promotion to the posts specified in column 2, of the Schedule-I subject to their possessing such minimum qualification and experience as are specified in Column 6 of the Schedule-I:

Provided that for the purpose of this Rule, promotions from the rank of Constables to that of Head Constables and from Head Constables to that of Sub-Inspectors, shall be made on unit/Range and for promotions from the rank of Head Constables to that of Platoon Commanders on Range basis in RAC, "Range" shall mean State basis.

Explanation.- *(i) In case direct recruitment to a post has been made earlier than regular selection for promotion in a particular year, such of the persons who are or were eligible for appointment to that post by both the methods of recruitment and have been appointed by direct recruitment first, shall also be considered for promotion.*

(ii) In the case of specialised/technical posts, so specified in sub-rule (1) above the eligibility for promotion of District/Unit/Battalion/Range/State basis of persons holding substantive ranks and enumerated in Column 5 of Section I, II and IV of the Schedule-I shall be laid down by the Director General- cum Inspector General of Police.

(iii) The persons enumerated in Column 5 of Section III of the Schedule-I holding substantive rank, shall be eligible for promotion to posts specified in Column-2 on State basis, in the Police-Tele-Communications Directorate, subject to their possessing such minimum qualifications and experience as are specified in Column 6 of Schedule-I.

(iv) The persons eligible for promotion should have completed the requisite number of years of service as laid down in Column-6 of Schedule-I on first of April of the year in which the qualifying examination is held.

Explanation.- *"State basis" in this rule shall mean all members of a particular category in the entire State in order of seniority. The combined seniority of such official under different Appointing Authority shall be determined*

on such principles and basis as may be decided by the Government in consultation with the Deptt. of Personnel: Provided that after the determination of the vacancies, the applications of candidates not exceeding six times the number of vacancies, out of the senior most eligible members of service, shall be entertained for appearance in Part-I of the examination."

2. Learned counsel Mr. Sandeep Soni associate to Mr. B.L. Bhati is unable to refute that in similar controversy the Coordinate Bench of this Court has allowed the writ petitions and quashed the transfer orders. Learned counsel for the respondent – State further submits that reply is not required to be filed in the present writ petition.

3. Thus, in view of the fact that the case is squarely covered by the judgment in the case of Subhash Chandra (supra), the impugned order dated 15.01.2025 (Annex.3) is quashed and set aside qua the petitioner.

4. The writ petition is accordingly allowed. Stay petition and all pending applications, if any, stand disposed of.

(DR.NUPUR BHATI),J

178-pradeep/-