HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR

D.B. Special Appeal Writ No. 288/2026
CNR: RJHC010004162026 | URN: SAW / 485U / 2026

1. The State Of Rajasthan, Through The Secretary, Department Of Rural Development And Panchayati Raj, Government Of Rajasthan, Secretariat, Jaipur.
2. The Chief Executive Officer, Zila Parishad Jodhpur, District Jodhpur (Raj.).

----Appellants

Versus

Radha D/o Karnaram, Aged About 29 Years, R/o Tak Krishifarm, Bera Magrala Village Binjwadiya, Tehsil Tinwari And District-Jodhpur, Raj.

----Respondent

For Appellant(s)	:	Mr. Pawan Bharti for Mr. I.R. Choudhary, AAG.
For Respondent(s)	:	--

HON'BLE THE ACTING CHIEF JUSTICE MR. SANJEEV PRAKASH SHARMA
HON'BLE MR. JUSTICE SANJEET PUROHIT

Order

04/08/2026

1. The challenge is to the order passed by the learned Single Judge dated 18th March, 2025.

2. It is the contention of the learned counsel for the appellant that the writ petitioner decided to take her original document back by submitting an application along with an affidavit, wherein she had stated in para 6 that in future, she will not raise any claim for the Junior Clerk Recruitment 2013 for the District Jodhpur. Therefore, subsequent appointment to a person having lesser merit than the writ petitioner could not be a ground to grant relief to the respondent-writ petitioner.

3. We have considered the submission.

4. The learned Single Judge has appreciated the language of the affidavit which the writ petitioner had filed and found that

while in her affidavit the writ petitioner had claimed that she would not raise any claim in future arising out of return of documents, but she did not depose, that she will not be entitled to be appointed even if subsequently found meritorious.

5. We find that the view taken by the learned Single Judge does not warrant any interference.

6. It may be a fact that looking to delay caused in completion of recruitment process, the writ petitioner requested for her original documents and on being asked had submitted affidavit that she will not raise any claim but if subsequently in same recruitment process when persons lesser meritorious than the writ petitioner are being offered appointment, the writ petitioner ought to have been called upon to submit her documents afresh and be allowed to get them verified. Selections and appointments have to be done on the basis of merit and higher meritorious persons cannot be ousted by a technical ground such as above.

7. We also found that present appeal suffers from the delay of 216 days and no justified reason for condonation of the same has come forward. Therefore, on that count also, we would not have been inclined to entertain it. Accordingly, on both the counts, the application for condonation of delay as well as the appeal stands dismissed. The appellants are directed to comply with the order dated 18.03.2025 forthwith.

8. Pending application(s), if any also stands disposed of.

(SANJEET PUROHIT),J (SANJEEV PRAKASH SHARMA),ACJ

99/Anil Asopa