**HIGH COURT OF JUDICATURE FOR RAJASTHAN**
**AT JODHPUR**

D.B. Special Appeal Writ No. 76/2026
CNR: RJHC010004542026 | URN: SAW / 148U / 2026

1. State Of Rajasthan, Through The Secretary, Education Department Government Of Rajasthan, Jaipur, Rajasthan.
2. The Director, Secondary Education, Bikaner.
3. The Joint Director, Secondary Education, Ajmer, Rajasthan.
4. The District Education Officer (Secondary First), Education Department, Nagaur, Rajasthan.

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Versus

Hanuwant Kumar S/o Bhanwar Lal, Aged About 34 Years, R/o Mataji Colony Merta Road, Nagaur, Raj. At Present Posting Gsss Gogunda, Block Merta City, Dist. Nagaur

----Respondent

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| For Appellant(s) | : | Mr. Sajjan Singh Rathore, AAG with<br>Mr. Yuvraj Singh Rathore |
| For Respondent(s) | : | - |

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

**HON'BLE MR. JUSTICE SANJEET PUROHIT**

**Order**

**03/08/2026**

1. The challenge in the present appeal, which is highly belated by 151 days, is to the order passed by the learned Single Judge wherein the learned Single Judge has allowed the writ petition while placing reliance on the judgment passed in the case of **Manish Vyas Vs. State of Rajasthan & Ors. (S.B. CWP No.1457/2025)**.

2. The brief facts required to be noticed in the present case are that so far as the respondent-writ petitioner is concerned, he was appointed on compassionate ground and was asked to pass a type test within a period of three years failing which, he would not be

granted increment. He came up before this Court assailing the order dated 29.08.2018 on the ground that he has already passed Rajasthan State Certificate in Information Technology (RS-CIT) certificate examination of computer proficiency and therefore, he should be exempted from clearing the type test. He relied on the circular issued by the State Government which generally applies to all the clerks who had been appointed under the Rajasthan Subordinate Offices Ministerial Rules, 1999(hereinafter referred to as "Rules of 1999") and exempted all the concerned clerks from separately clearing typing test, who cleared computer proficiency test of RS-CIT and had a certificate to their credit.

3. In the case of Manish Vyas (supra), the said petitioner has been appointed on compassionate grounds as a clerk in the Panchayati Raj Department and under the Panchayati Raj Rules too the requirement of passing the type test was essential. Relying on the circular dated 19.08.2010 and 21.09.2010, which had specific reference to the Rules of 1999, the learned Single Judge of this Court allowed the said writ petition and directed that since the concerned petitioner Manish Vyas has passed the RS-CIT certificate exam, he would not be required to pass the type test separately.

4. Having noticed the judgment of Manish Vyas (supra), the learned Single Judge allowed the writ petition of the present respondent-writ petitioner with directions that he would be entitled to all the consequential benefits including promotion on the basis of treating him to be exempted from passing the type test.

5. The main argument of the learned counsel is that as the circulars issued by the State Government were with reference to the Rules of 1999 and so far as the case of Manish Vyas (supra) is concerned, he was a candidate appointed under the Panchayati Raj Rules and there was no pre-condition in his appointment letter and therefore, he cannot be equated with the case of the respondent-writ petitioner in the present case. It is further contended that the appeal preferred against the judgment passed in the case of Manish Vyas (supra) is still sub-judice.

6. We have carefully considered the submissions and find that so far as the respondent-writ petitioner is concerned, he is on a much better footing. It is the case of compassionate appointment, therefore, the minimum condition of appointment do not apply in such matters and they have to be exempted for the purpose of allowing the person to be appointed on compassionate grounds. That apart, since the respondent-writ petitioner has acquired the qualification of RS-CIT in the year 2018, he would obviously be given the benefit of the said certificate, which is a test conducted by the State Government itself. When other similarly situated clerks, whose appointments are governed by the Rules of 1999, have been granted exemption, the respondent, having been appointed on compassionate grounds, would also be governed by the Rules of 1999 and would consequently be entitled to the same benefit flowing from circulars issued by the State Government.

7. We, therefore, reject the contentions raised before us in the appeal. Furthermore, the appeal is grossly belated, and no adequate justified reason is coming forward for condonation of the same. Therefore, on that ground also, we would not have been

inclined to entertain it. Accordingly, on both counts, the application for condonation of delay as well as the appeal stands dismissed

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

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

34/Divya Prajapat