



**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**



S.B. Civil Writ Petition No. 950/2026

Mamta Kumari D/o Ran Singh W/o Jitendra Kumar, Aged About 33 Years, R/o Village And Post Kasimpura, Via Bagar, District Jhunjhunu.

-----Petitioner

Versus

1. The State Of Rajasthan, Through Its Principal Secretary, Rural Development And Panchayati Raj Department Government Of Rajasthan, Secretariat, Jaipur.
2. Director, Elementary Education, Rajasthan, Bikaner.

-----Respondents

For Petitioner(s) : Mr. Sanjay Mehla with
Ms. Sunita Mehla &
Mr. Nagendra Sharma

For Respondent(s) : Mr. Gopal Krishan Sharma, AGC

HON'BLE MR. JUSTICE ANAND SHARMA

Order

21/05/2026

1. Petitioner has filed this writ petition with following prayer:

"It is therefore, most humbly prayed that your Lordship may graciously be pleaded to accept and allow this writ petition and

i) By an appropriate writ, order and direction the impugned order dated 09.12.2025 issued by the respondent No.2 may kindly be quashed and set-aside.

ii) By an appropriate writ, order and direction the respondents may kindly be directed to consider the candidature of petitioner under sports category and give her appointment on the post of Teacher Grade-III Level-II (Maths-Science) in her allotted District with all consequential benefits.

iii). Any other order which this Hon'ble Court deemed just and proper in the facts and circumstances of the



case may also be passed in favour of the petitioner.

"

2. Learned counsel for the petitioner submits that although, the petitioner was selected in the category of 'Outstanding Sports Person', yet later on, she was not granted appointment by raising doubts over validity and recognition of the certificate issued in favour of the petitioner. Under these circumstances, the petitioner filed S.B. CWP No. 17335/2019, which was disposed of by this Court vide order dated 28.08.2025, in which following directions were given:

"1. Pursuant to order dated 22.03.2024 and 20.08.2025 passed by this Court, learned counsel for the respondents has taken instructions.

2. Both the learned counsel appearing for the parties are in agreement that the issue in hand has already been decided by the Co-ordinate Bench of this Court at Jodhpur in **S.B. Civil Writ Petition No.10141/2021 (Raghunath Ram Vs. State of Rajasthan & Ors.)** decided on 25.08.2021 in which following directions were given:

(25) The petitioner is directed to appear before the Chief Executive Officer, Zila Parishad, Jalore on 06.09.2021 along with his original certificate of 9th Senior Jump Rope Championship, 2012-13, issued by the Jump Rope Federation of India. The respondent No.4, in turn, shall get the enquiry conducted in relation to such certificate and petitioner's entitlement on its basis, as early as possible, preferably within a period of six weeks.

(26) Needless to observe that if the respondents are of the view that petitioner cannot be considered as an outstanding sportsperson even according to the second certificate (9th Senior Jump Rope Championship, 2012-13), they shall pass a speaking order in accordance with law under intimation to the petitioner. Till such decision is taken, the petitioner shall be allowed to work. In case, the petitioner is found eligible on the basis of the second certificate, he shall be kept in service with all consequential benefits.

3. In the light of consensus between the learned counsel for the parties, the writ petition is disposed of in view of





aforesaid directions given in the case of **Raghunath Ram (supra)**."

3. Learned counsel submits that in the light of directions given by this Court, the petitioner submitted representation before the Director, Elementary Education, Rajasthan, Bikaner; however, the representation was rejected by the Director vide order dated 09.12.2025 with observations which are not only conflicting to the judgment referred in **Raghunath Ram Vs. State of Rajasthan & Ors.** referred by this Court in earlier order dated 28.08.2025, but are also contrary to the terms of advertisement. Learned counsel submits that although, it has not been disputed that petitioner is bonafide resident of State of Rajasthan, yet she has been deprived of benefit of Outstanding Sports Person only for the reason that the certificate has been issued for participating in Inter-University Cricket Championship while representing State of Haryana. Learned counsel submits that the issue has already been examined by this Court in various other judgments including in the case of **Imran Khan Vs. State of Rajasthan in S.B. CWP No. 17693/2019** decided by this Court at Principal Seat, Jodhpur on 22.08.2023, as well as so many other judgments followed by the above judgment.

4. Learned counsel for the respondents opposed the writ petition and submits that the representation has been decided by the respondents on the basis of circular dated 08.01.2020 issued by State Government wherein, it has been opined that intention of the Rule is to promote such 'Outstanding Sports Persons', who have represented the State of Rajasthan. In the instant case, although petitioners possesses a certificate of Inter-University





Cricket Championship, yet while representing State of Haryana and not State of Rajasthan, hence, rightly she has not been given the benefit of reservation in 'Outstanding Sports Persons' category

5. Heard learned counsel for the parties and perused the record. Relevant criteria for claiming reservation in 'Outstanding Sports Persons' category has been given in the advertisement as under:

"(ख) उत्कृष्ट खिलाड़ियों संबंधित प्रावधान— कार्मिक विभाग द्वारा जारी अधिसूचना क्रमांक एफ.5(31)डीओपी/ए-11/84 दिनांक 15-03-2013 के तहत किये गये संशोधन के अनुसार "उत्कृष्ट खिलाड़ियों" से अभिप्रेत है और इसमें सम्मिलित हैं राज्य के ऐसे खिलाड़ी जिन्होंने:—

(अ) **XXXX**

(ब) **XXXX**

(स) **XXXX**

(द) इण्डियन यूनिवर्सिटीज एसोसिएशन द्वारा मान्यता प्राप्त किसी खेलकूद के ऑल इण्डिया इंटरयूनिवर्सिटी टूर्नामेंट में व्यक्तिशः स्पर्धा में या टीम स्पर्धा में मेडल जीता हो।

इनसे भिन्न योग्यता रखने वाले अभ्यर्थी को उत्कृष्ट खिलाड़ियों के लिये आरक्षित पदों पर चयन हेतु अपात्र माना जायेगा। उत्कृष्ट खिलाड़ी हेतु आरक्षित पदों का दण्डवत आरक्षण देय होगा, इस वर्ग में अभ्यर्थी उपलब्ध नहीं होने पर इनके पदों को सामान्य प्रक्रिया से भरा जायेगा।"

6. Bare perusal of the aforesaid clause makes it abundantly clear that for claiming reservation under the said category, the essential requirement is participation of the candidate in any individual or team event in an All Indian Inter-University Tournament duly recognized by the Association of Indian Universities. The clause nowhere stipulates that such participation must necessarily be while representing State of Rajasthan alone. Rather, the language employed in the provision is broad and unqualified, thereby indicating that eligibility is attached





to participation in the recognized tournament itself and not to the particular State represented by the candidate. Therefore, once a candidate has participated in the prescribed tournament, the benefit of reservation cannot be denied merely on the ground that the candidate represented a University or Institution situated outside the State of Rajasthan. Any such restrictive interpretation would defeat the plain and literal meaning of the clause.

7. This Court finds that the issue has already been decided after examining the similar terms of advertisement and a clear cut finding has been given by Co-ordinate Bench at Principal Seat, Jodhpur earlier in the case of **Imran Khan (supra)** in the following manner:

"24. Apart from what has been discussed hereinabove, in the opinion of this Court as long as a candidate is a resident of the State of Rajasthan and has won medal in any team event or individual event, he cannot be pushed out of ambit of State of Rajasthan, simply because he has chosen to or got an opportunity to represent a State other than the State of Rajasthan.

25. The purpose of the notification is to encourage or incentivise the residents of the State, who have excelled in the sports so that sports activities and talents of the State of Rajasthan are encouraged and such persons after being recruited can help the State in winning medals or performing better.

26. So far as reliance of the learned Additional Advocate General upon the circular dated 08.01.2020 is concerned, this Court hastens to hold that the notification dated 15.03.2013 and notification dated 21.11.2019 were issued by the Department of Personnel, the State of Rajasthan in exercise of power conferred under Article 309 of the Constitution having statutory force, whereas the clarificatory circular dated 08.01.2020 has been issued by the Deputy Secretary to the Government, Elementary Education Department. Such circular cannot over-ride the express provisions of Rules or the notification issued by the State of Rajasthan. It is settled position of law that a circular issued against the mandate of a notification has to concede."





8. This Court finds that while deciding the case of **Imran Khan (supra)**, the circular dated 08.01.2020 issued by the DOP, Government of Rajasthan has already been taken into consideration and thereafter, it has been held that such circular/letter cannot override the express provision of the Rules or notification of the State of Rajasthan. Despite such clear findings given by the Co-ordinate Bench of this Court in its earlier judgment, it appears that the Competent Authority has attempted to overreach the view taken by this Court and in quite mechanical manner again, reference of Circular dated 08.01.2020 issued by State Government has been given so as to deprive the petitioner on her legitimate rights. It is not a case where the judgment delivered by Co-ordinate Bench at Principal Seat, Jodhpur in the case of **Imran Khan(supra)** has been reversed by the higher Court and since, the aforesaid judgment has attained finality, the State is bound to follow the issue decided in the said judgment in its letter and spirit. This Court finds that order dated 09.12.2025 is not only under the teeth of judgment of **Imran Khan (supra)**, but is also an audacious attempt to undermine the binding direction given by this Court. Hence, the same is liable to be quashed and set-aside.

9. Accordingly, this Court finds that petitioner is eligible for being considered in the category of 'Outstanding Sports Person' and if she is otherwise eligible, respondents are directed to issue appointment order appointing the petitioner on the post of Teacher Grade III Level II (Science-Maths) within a period of 60 days from the date of receipt of certified copy of this order.





10. Pending application(s), if any, shall also stand disposed of.

(ANAND SHARMA),J

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