



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



S. B. Civil Writ Petition No. 1183/2025

1. Nitin Kumar Jhalani S/o Shri Santosh Jhalani, R/o Plot No. 65, Jai Nagar Sukhiya, Sanganer, Mansarovar, Jaipur.
2. Asha Lata W/o Shri Mahavir Singh, R/o 30, Uma Path, Ram Nagar, Sodala, Jaipur, Rajasthan.
3. Narendra Kumar S/o Shri Brij Mohan, R/o Village Basni, Bairas, District Sikar.
4. Dr. Sarita Kumari W/o Shri Dr. Rahul Lamba, R/o Village And Post Hamirikalan, Tehsil And District Jhunjhunu.

----Petitioners

Versus

1. State of Rajasthan, through Principal Secretary, Medical Education Department, Government of Rajasthan, Govt. Secretariat, Jaipur.
2. Rajasthan Public Service Commission, through Secretary, Ajmer.

----Respondents

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For Petitioner : Mr. Dharmendra Jain Advocate.  
For Respondents : Mr. Archit Bohra Additional  
Government Counsel.

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**HON'BLE MR. JUSTICE ANAND SHARMA**

**Judgment**

**22/05/2026**

1. The present writ petition has been filed by the petitioners challenging the condition incorporated in the advertisement dated 11.12.2024 issued for recruitment to the post of Assistant Professor under the Rajasthan Medical Services (Collegiate Branch) Rules, 1962 (hereinafter to be referred as 'the Rules of 1962'), whereby it has been stipulated that the candidates must possess the requisite experience on or before the



last date of submission of online application forms. The petitioners have also prayed that they may be declared eligible for consideration pursuant to the above advertisement.

2. The facts, in brief, as pleaded in the writ petition are that the petitioners have completed their postgraduate medical qualifications from different medical colleges and are presently working as Senior Residents in various departments under the Rajasthan University of Health Sciences and associated medical institutions. According to the petitioners, Respondent No.2-Rajasthan Public Service Commission issued advertisement dated 11.12.2024 inviting applications for recruitment to the posts of Assistant Professor in various specialisations under the Rules of 1962. The advertisement prescribed the last date for submission of online applications as 29.01.2025.

3. The grievance raised by the petitioners is directed against the note appended in the advertisement which provides that candidates must possess the requisite experience after acquiring educational qualification by the last date of submission of online applications and that the experience certificate must also be uploaded along with the application form. According to the petitioners, such stipulation is contrary to Rule 19 of the Rajasthan University of Health Sciences Employees (Recruitment and Promotion) Rules, 2020 (hereinafter to be referred as 'the Rules of 2020'), wherein candidates appearing in the final year examination have been granted liberty to acquire requisite qualification before the examination/interview. The petitioners contend that since they would complete one year experience of Senior Residency before the interview, they ought to have been





treated as eligible. It has further been pleaded that in an earlier recruitment process initiated in the year 2021, such condition was not incorporated and, therefore, the present stipulation is arbitrary and discriminatory.

4. The respondent-Rajasthan Public Service Commission filed reply contending that the recruitment in question is governed entirely by the Rules of 1962 and not by the Rules of 2020. It was specifically pleaded that the advertisement itself clearly stipulated that candidates possessing requisite educational qualification and experience as on the last date of submission of applications alone would be eligible. It was further submitted that although candidates appearing in the final year of the qualifying examination were permitted to apply, such relaxation was confined only to educational qualification and not to the prescribed experience. It was also pleaded that as per the corrigendum dated 01.01.2025, one year Senior Residency experience after acquiring MD/MS degree in the concerned subject was mandatory for the post of Assistant Professor. Reliance was further placed upon Circular dated 14.03.2002 issued by Department of Personnel clarifying that where experience is also prescribed along with educational qualification, relaxation cannot be granted regarding acquisition of experience after the cut-off date.

5. The State Government also filed reply opposing the writ petition and submitted that Rule 12 of the Rules of 1962 merely authorises the Rajasthan University of Health Sciences to prescribe educational qualification, technical qualification and experience for teaching posts, however, the recruitment itself continues to be governed by the Rules of 1962. It was contended





that the petitioners have wrongly attempted to import provisions of the Rules of 2020 into the present recruitment process though the said rules are wholly inapplicable. It was further submitted that fixation of cut-off date for eligibility is a matter of policy within the domain of the recruiting authority and the same cannot be interfered with unless found manifestly arbitrary.

6. Learned counsel for the petitioners and learned Additional Government Counsel also advanced oral arguments in support of their respective pleadings by repeating the contents thereof.

7. This Court has considered the rival submissions and perused the material available on record.

8. The principal issue arising for consideration is as to whether the condition requiring possession of requisite experience as on the last date of submission of applications suffers from any arbitrariness or illegality warranting interference in exercise of writ jurisdiction, or not ?

9. At the outset, it deserves notice that the recruitment in question has admittedly been initiated under the Rules of 1962. Rule 12 thereof provides that candidates for direct recruitment to the teaching posts shall possess such academic and technical qualifications and experience as may be prescribed from time to time by the Rajasthan University of Health Sciences for teaching staff in medical colleges. Thus, the role of RUHS under Rule 12 is confined to prescription of qualification and experience. The governing service rules for recruitment continue to remain the Rules of 1962.





10. The entire argument advanced by the petitioners proceeds on the assumption that Rule 19 of the Rules of 2020 automatically governs the present recruitment. Such contention is wholly misconceived. The Rules of 2020 regulate recruitment to posts under RUHS itself and cannot override or supplant the statutory scheme governing recruitment under the Rules of 1962.

11. Even otherwise, a careful reading of the advertisement reveals that relaxation was granted only in relation to candidates appearing in the final year examination of the requisite educational qualification. The said relaxation was never extended to acquisition of experience. Experience and educational qualification stand on entirely different footings. Educational qualification may sometimes be in the process of acquisition, however, experience by its very nature is a completed factual requirement which must exist on the cut-off date prescribed by the employer.

12. The respondents have specifically clarified that one year Senior Residency experience after acquiring MD/MS degree was mandatory for the post in question. Admittedly, the petitioners had not completed such requisite experience as on the last date fixed for submission of applications. Once the petitioners lacked the essential eligibility condition on the prescribed date, no enforceable right accrued in their favour to seek participation in the recruitment process.

13. It is well settled that the employer or recruiting authority possesses the power to prescribe eligibility conditions and fix a cut-off date for determining eligibility. Courts ordinarily do not interfere in such policy decisions unless the same are found





to be manifestly arbitrary, irrational or contrary to statutory provisions. In the present case, the petitioners have failed to demonstrate any statutory provision prohibiting the respondents from prescribing the last date of submission of applications as the relevant date for acquisition of experience.

14. The contention raised regarding the previous recruitment conducted in the year 2021 also deserves rejection. Merely because a particular stipulation may not have been incorporated in an earlier advertisement does not create any vested right in favour of candidates to insist upon identical conditions in future recruitments. Every recruitment process constitutes an independent exercise and the employer is competent to modify or clarify eligibility conditions in accordance with administrative requirements and statutory rules.

15. This Court also finds merit in the submission advanced on behalf of the respondents that Circular dated 14.03.2002 issued by the Department of Personnel specifically clarifies that where experience is prescribed in addition to educational qualification, relaxation regarding acquisition of experience after the cut-off date cannot be granted. The impugned stipulation is, therefore, fully consistent with the administrative instructions governing recruitment.

16. The law is equally well settled that terms and conditions of advertisement constitute the governing framework of the recruitment process and candidates participating in such process are bound by the same. Courts cannot rewrite eligibility conditions or extend relaxation dehors the statutory rules and terms of advertisement. Acceptance of the plea raised by the petitioners





would amount to altering the eligibility criteria after commencement of recruitment, which is impermissible in law.

17. The petitioners admittedly did not possess the mandatory one year Senior Residency experience after acquiring postgraduate qualification on the last date of submission of application forms. Therefore, the respondents committed no illegality in treating them as ineligible.

18. In view of the aforesaid discussion, this Court does not find any merit in the present writ petition. Consequently, the writ petition filed by the petitioners is hereby dismissed.

19. Pending applications, if any, stand disposed of.

(ANAND SHARMA),J

MANOJ NARWANI/