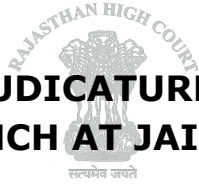




**HIGH COURT OF JUDICATURE FOR RAJASTHAN  
BENCH AT JAIPUR**



D.B. Special Appeal (Writ) No. 937/2025

URN: SAW / 1987U / 2025

In

S.B. Civil Writ Petition No.9530/2013

Om Prakash Shakywal Son of Shri Nand Kishore Shakywal, Aged About 41 Years, R/o Village Bambulia Kalan, Tehsil Anta, District Baran, Rajasthan.

----Appellant/Petitioner

Versus

1. Rajasthan Rajya Vidyut Utpadan Nigam Limited, Vidyut Bhawan, Janpath, Jyoti Nagar, Jaipur Through Its Chairman Cum Managing Director.
2. Joint Director (Personnel And Administration), Rajasthan Rajya Vidyut Utpadan Nigam Limited, Vidyut Bhawan, Janpath, Jyoti Nagar, Jaipur.

----Respondents

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For Appellant(s) : Mr. Pradeep Singh

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

**Order**

**01/07/2026**

1. The challenge is to the judgment passed by the learned Single Judge dated 19.02.2025 whereby, the learned Single Judge has dismissed the writ petition on the ground that the waiting/reserved list lapses after a span of six months and subsequent fresh advertisement for selection process had also been initiated. The writ petition was dismissed in light of the ratio passed in **Om Prakash Ghiya's** case.



2. Learned counsel appearing on behalf of the appellant submits that merely because the writ petition has been pending since long, the same cannot be dismissed only because subsequent selection processes have been undertaken. The issue will have to be examined as on the date of filing of the writ petition. He submits that the appellant had been placed in the merit list but he was not informed about the date of document verification and there was no internet facility available in his native place. He, therefore, could not appear for verification of document and persons lower in merit list were thereafter appointed.

3. We have considered the submissions and perused the reply of the respondents, wherein, they have specifically mentioned that the date of document verification was sent through e-mail as well as through mobile message SMS, however, the appellant did not appear for document verification and resultantly other persons were given appointment.

4. We also notice that the learned Single Judge while issuing notices in the writ petition, dismissed the stay application on the ground that appointment after selection has already been made. We further notice that the appellant did not implead any person as party to the writ petition who was having lesser merit.

5. Although we do not agree with the view taken by the learned Single Judge as regards the writ petition having become *otiose* and infructuous merely because more than six months time was lapsed or on the ground that further subsequent selection processes have been initiated and culminated, the same cannot be a reason for dismissal of writ petition. Law is well settled based on





the legal maxim *Actus Curiae Neminem Gravabit* that no Court shall oust a litigant merely on account of pendency of the writ petition for several years. No person can be made to suffer on account of the delay in deciding the cases.

6. However, we have carefully considered the contentions raised by the appellant in the writ petition and find that the reply filed by the respondents was not countered. There is no denial to the specific averment made in the reply that the candidates were informed of the date of document verification through e-mail as well as through mobile message, i.e., SMS. We also notice that the appellant has not impleaded any person alleged to be having lesser merit and appointed as a party to the writ petition. Such candidate would be a necessary party to the proceeding and without impleading, the petitioner cannot be granted relief.

7. The Apex Court in **Prabodh Verma & Ors. vs. State of U.P. & Ors.** (1984) 4 SCC 251 and subsequent judgments held that the writ petition would not be maintainable if a person is challenging appointment of candidate without impleading them as party to the writ petition. The relevant para of **Prabodh Verma & Ors. vs. State of U.P. & Ors.** (supra) is reproduced here as under:

*"50. To summarize our conclusions:*

*(1) A High Court ought not to hear and dispose of a writ petition under Article 226 of the Constitution without the persons who would be vitally affected by its judgment being before it as respondents or at least some of them being before it as respondents in a representative capacity if their number is too large to join them as respondents individually,*





*and, if the petitioners refuse to so join them, the High Court ought to dismiss the petition for non-joinder of necessary parties.”*

8. In the circumstances, upon independently examining the contents of the writ petition as above, it is found to be devoid of merits and is liable to be dismissed. In view thereto, the present Special Appeal (Writ) is dismissed accordingly.

9. All pending applications stand disposed of.

(MANEESH SHARMA),J

(SANJEEV PRAKASH SHARMA),ACTING CJ

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