RAJASTHAN HIGH COURT
सत्यमेव जयते

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 5098/2026
CNR: RJHC020123662026 | URN: CW / 11148U / 2026

State Of Rajasthan & Ors.

----Petitioners

Versus

Sharwan Lal S/o Shri Mangu Ram,

----Respondent

Rajasthan High Court
सत्यमेव जयते
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For Petitioner(s)	:	Mr. Somitra Chaturvedi, Dy.GC with Mr. Munendra Singh Fouzdar
For Respondent(s)	:	Mr. Satya Pal Poshwal

JUSTICE ANOOP KUMAR DHAND

Order

29/10/2026

1. By way of filing the instant writ petition, a challenge has been led to the impugned order dated 02.06.2025, passed by the Rajasthan Civil Services Appellate Tribunal, Jaipur (for short "the Tribunal"), by which the appeal filed by the respondent has been allowed and a direction has been issued by the Tribunal to the petitioners to constitute a new board to re-examine the answer sheets of the respondent and in case the respondent is found to be passed the eligibility test, then allow him to participate in the further process for promotion from Sub-Inspector to Inspector. The instant writ petition has been preferred on various grounds.

2. During the course of arguments, a legal question was posed by this Court to the counsels appearing on behalf of both the parties as to whether such kind of direction can be issued by the Tribunal in terms of the definition Section 2(f) of the Rajasthan Civil Services (Service Matters Appellate Tribunals) Act, 1976 (for

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RAJASTHAN HIGH COURT

short 'Act of 1976'). Section 2(f) of the Act of 1976 states that the following service matters can be brought before the Tribunal i.e. seniority, promotion, confirmation, fixation of pay, any order denying or varying pay allowances or pension, cases of reversion while officiating in a higher grade or to a lower service, withholding of pension, transfer, etc. In the appeal preferred by the respondent before the Tribunal, none of the above subject matters are under challenge. In fact, the challenge was led to the improper evaluation of marks and non award of correct marks for the answers attempted by the respondent in the examination conducted by the petitioners.

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3. Learned counsel for the petitioners submits that the Tribunal was not having any jurisdiction to entertain the appeal preferred by the respondent with regard to the grievance raised before the Tribunal. In support of his contentions he has placed reliance upon the judgment passed by the Apex Court in the case of **M/s HPCL Bio-Fuels Ltd. Vs. M/s Shahaji Bhanudas Bhad** reported in **2024 SCC Onlie SC 3190**.

4. Per contra, learned counsel for the respondent opposed the arguments and submitted that when the similarly situated persons approached this Court by way of filing **S.B. Civil Writ Petition No. 5948/2025**, titled as **Mohanlal & Ors. Vs. State of Rajasthan & Ors.**, the Co-ordinate Bench of this Court vide order dated 03.07.2025 allowed the petitioners to withdraw the writ petition with liberty to file alternative remedy under law for redressal of grievance.

5. Perusal of the aforesaid order dated 03.07.2025 passed in the case of **Mohanlal** (supra), nowhere indicates that liberty was

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granted to the petitioners therein to file the remedy of filing appeal before the Tribunal.

6. Heard. The matter requires consideration.

7. List the matter on 07.12.2026 at 2:00 pm.

8. In the meantime, the effect and operation of the impugned order shall remain stayed.

9. Let the members of the Bar be invited to address this issue where the Tribunal has the authority to hear, entertain and decide the appeals preferred against the evaluation of erroneous marks, award of improper marks, evaluation of question, answer sheets of any departmental examination for the purpose of promotion conducted by the State Authorities.

10. Registrar Judicial is directed to publish a notice in this regard in the cause list inviting learned members of the Bar to address upon the aforesaid issue by publishing a notice in the cause list.

(ANOOP KUMAR DHAND),J

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