


HIGH COURT OF JUDICATURE FOR RAJASTHAN
JODHPUR

D.B. Civil Writ Petition No. 14249/2023

Mudit Nagpal

----Petitioner

Versus

State Of Rajasthan

----Respondent

For Petitioner(s) : Mr. Vikas Balia, Sr. Advocate
assisted by Mr. Sanjeet Purohit
Mr. Devkinandan Vyas
Mr. Ankur Mathur
Ms. Shreshtha Mathur

For Respondent(s) : Mr. Sandeep Shah, Sr. Adv.-cum-AAG
with Mr. Abhimanyu Singh Rathore
Mr. K. S. Rajpurohit, AAG

HON'BLE MR. JUSTICE VIJAY BISHNOI
HON'BLE MR. JUSTICE YOGENDRA KUMAR PUROHIT
Order

19/09/2023

1. This writ petition is filed by the petitioner, a practicing advocate, in Public Interest, essentially being aggrieved with the order dated 21st August, 2023 issued by the Planning Department, whereby the proceedings, required to be followed for the purpose of distributing guarantee cards has been elaborated.
2. Learned counsel for the petitioner has submitted that initially, in the budget year 2022-23, the State Government has made a provision for distributing smart-phones to the family heads of 1 crore 33 lakhs Chiranjivi Families and for that purpose, an amount of Rs.2,500/- crore has been sanctioned.
3. It is further submitted that admittedly, the said smart-phones have not been distributed as per the budget declaration

for the financial year 2022-23, however in the discussions on the appropriation bill, held on 17th March, 2023, Hon'ble the Chief Minister of the State of Rajasthan has made a statement that on account of some unavoidable circumstances, the smart-phones could not be distributed as per the budget declaration for the financial year 2022-23 but now the smart-phones will be distributed to the girls who are studying in 10th and 12th standards in government schools, colleges, ITI/Polytechnic and to the widows/ single women who are getting pension. It is clarified that in the first phase, forty lac smart-phones will be distributed to the beneficiaries.

4. Learned counsel for the petitioner has argued that as per the provisions of the Rajasthan Fiscal Responsibilities and Budget Management Act, 2005, particularly Section 5(4), the State Government is required to declare the Fiscal Policy Strategy Statement for the ensuing financial year relating to the revenue receipts, expenditure, borrowing and other liabilities including guarantees. It is also argued that the State Government, without declaring the Fiscal Policy Strategy Statement for the financial year 2023-24, has decided to distribute guarantee cards to certain categories of women. It is contended that the categories of women is also different from the category which declared by the Hon'ble Chief Minister in his speech delivered on 17th March, 2023.

5. It is submitted that without there being declaration of such provisions in the Fiscal Policy Strategy Statement, the guarantee cards in lieu of smart-phones cannot be distributed. It is further argued that the action of the State Government of distribution of

guarantee cards in lieu of smart-phones is absolutely illegal and clearly in contravention of the provisions of law.

6. Learned counsel for the petitioner has contended that without making any specific provision, the State Government cannot give guarantee cards in lieu of the smart-phones and the said action of the State Government is nothing but a publicity stunt, which comes within the definition of malpractices on the eve of elections.

7. Learned counsel for the petitioner has, therefore, submitted that the impugned order dated 21.08.2023 is illegal and contrary to law and the same may kindly be quashed and set aside.

8. Having heard learned counsel for the petitioner and after going through the material placed before this Court, let show cause notice be issued to the State Government as to why the order dated 21.08.2023 providing procedure for distribution of guarantee cards in lieu of smart phones be not quashed and set aside.

9. Mr. Sandeep Shah, learned AAG is directed to accept notice on behalf of all the respondents. Service is, therefore, complete. Mr. Shah is in receipt of copy of the writ petition in advance, he may file response to the writ petition by the next date of hearing.

10. List the matter on 5th October, 2023 while showing name of Mr. Sandeep Shah, learned AAG as counsel for the respondents in the daily cause list.

(YOGENDRA KUMAR PUROHIT),J

(VIJAY BISHNOI),J