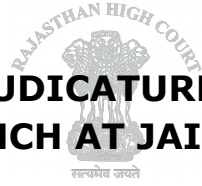




**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**



D.B. Civil Special Appeal (Writ) No. 1340/2022

In

S.B. Civil Writ Petition No. 14589/2022

Sanju Jainth D/o Shri Ramesh Chand Jainth, Aged About 38
Years, R/o Plot No. 18, Mangal Vihar Extension, Riddhi Siddhi
Choraha, Gopal Pura Bye Pass, Jaipur (Rajasthan)

----Appellant

Versus

The Secretary, Rajasthan Public Service Commission, Ajmer

----Respondent

For Appellant(s) : Mr. Tanveer Ahamad, Advocate
For Respondent(s) : Mr. M.F. Baig, Advocate

**HON'BLE MR. JUSTICE MANINDRA MOHAN SHRIVASTAVA
HON'BLE MR. JUSTICE PRAVEER BHATNAGAR**

Judgment / Order

10/08/2023

Heard.

The point arising for consideration in this case is as to whether the appellant is entitled to change of her category from SC-Woman to SC-Divorcee.

Learned counsel for the appellant would submit that it is not a case that the appellant did not belong to the category of SC-Divorcee. He would submit that it is not a case that the appellant did not belong to that category on the date of filing of the application. He would submit that even before application was filed, the appellant belonged to that category but due to inadvertent mistake, the appellant failed to properly mention the category as SC-Divorcee. As soon as the mistake was realized,



immediately, an application was made for correction. Relying upon the provision contained in Clause 2 of the information regarding online submission, it is argued that though other candidates belonging to other category were not entitled to carry out any change of their category, the candidates belonging to divorcee, deserted and disabled categories are entitled to change their category till declaration of the result of the next stage of examination. Therefore, under that clause, the appellant was entitled to be considered for change and she ought to be permitted to do so. He would submit that the order of this Court was passed on the ground that the appellant did not belong to any of the category which is factually not correct, therefore, the appellant has sought review of the order passed.

Learned counsel for the respondent would submit that even if it is assumed that on the date of submission of the application, appellant belonged to divorcee category, her failure does not entitle her for consideration of change just to correct her mistake. He would submit that provision contained in Clause 2 referred to above, are applicable only in a case where a candidate subsequent to filing of application acquires the status of widow, deserted or disabled which is permitted to change the category and not others. He would submit that this issue is no longer res integra and decided in more than one decision of this Court. He refers to the decisions in the case of **Piyush Kaviya and Others versus The Rajasthan Public Service Commission & Others (D.B. Special Appeal (Writ) No. 198/2018)** and **Rajasthan Public Service Commission Versus Yogita Yaduvanshi (D.B. Civil**



Special Appeal (Writ) No. 804/2020, decided on 19.03.2021).

Even if we accept the submission of learned counsel for the appellant that she belonged to category of divorcee on the date when she filed an application, the aforesaid two decisions are to the effect that a candidate once submitted the application declaring particular category is not entitled to change the category and change of category is permissible in limited circumstances, confined only to those cases where the category sought to be changed is acquired subsequently.

Therefore, we are not inclined to grant any review, though, for additional reasons stated hereinabove.

This appeal is, accordingly, dismissed.

(PRAVEER BHATNAGAR),J

(MANINDRA MOHAN SHRIVASTAVA),J

Mohita /68