



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



S.B. Civil Writ Petition No. 7978/2022

1. Rajendra Kumar Sharma Son Of Shri Shyam Sunder Vashistha, Aged About 44 Years, Resident Of Village Lalana, Via Paota, Tehsil Kotputli, Jaipur (Rajasthan) - 303106.
2. Shiv Lal Meena Son Of Shri Banke Lal Meena, Aged About 36 Years, Resident Of Village And Post Jamdoli, Tehsil Reni, District Alwar (Rajasthan) - 301409.

----Petitioners

Versus

1. The State Of Rajasthan, Through Principal Secretary, Education Department, Government Secretariat, Jaipur.
2. The Director, Secondary Education, Rajasthan, Bikaner.
3. The Secretary, Rajasthan Public Service Commission, Ajmer.

----Respondents

Connected With

S.B. Civil Writ Petition No. 7985/2022

Vasundhara Pareek Daughter Of Shri Babu Lal Pareek And Wife Of Shri Rajesh Pareek, Aged About 37 Years, Resident Of Plot No. 21, Adarsh Nagar, Malpura, District Tonk (Rajasthan).

----Petitioner

Versus

1. The State Of Rajasthan, Through Principal Secretary, Education Department, Government Secretariat, Jaipur.
2. The Director, Secondary Education, Rajasthan, Bikaner.
3. The Secretary, Rajasthan Public Service Commission, Ajmer.

----Respondents

S.B. Civil Writ Petition No. 7986/2022

1. Gopal Ram Godara Son Of Shri Ram Kumar, Aged About 30 Years, Resident Of Village And Post Shekhsar, Lunkaransar, Bikaner (Rajasthan) - 334603.
2. Surbhi Nandwana Daughter Of Shri Rajendra Nandwana And Wife Of Shri Harish Nandwana, Aged About 41 Years,





Resident Of House No. 7, Amal Ka Kanta, Premi Dwara Marg, Girwa, Udiapur (Rajasthan) - 313001.

3. Kuldeep Singh Son Of Shri Jai Bhagwan Singh, Aged About 30 Years, Resident Of Near Rav Jaimal Hospital, Shyam Colony, Parbatsar, Nagaur (Rajasthan) - 341512.

----Petitioners

Versus

1. The State Of Rajasthan, Through Principal Secretary, Education Department, Government Secretariat, Jaipur.
2. The Director, Secondary Education, Rajasthan, Bikaner.
3. The Secretary, Rajasthan Public Service Commission, Ajmer.

----Respondents

S.B. Civil Writ Petition No. 8118/2022

Vikram Singh Gurjar Son Of Shri Ram Dayal Gurjar, Aged About 30 Years, Resident Of Village Mathala, Post Lekari, Tehsil Bansur, District Alwar (Rajasthan).

----Petitioner

Versus

1. The State Of Rajasthan, Through Principal Secretary, Education Department, Government Secretariat, Jaipur.
2. The Director, Secondary Education, Rajasthan, Bikaner.
3. The Secretary, Rajasthan Public Service Commission, Ajmer.

----Respondents

S.B. Civil Writ Petition No. 17297/2022

Santosh Charan D/o Shri Ajeet Dan W/o Dr. Chhagan Dan, Aged About 39 Years, R/o Village Post Balewa, Tehsil Gadra Road, Barmer (Raj.)

----Petitioner

Versus

1. State Of Rajasthan, Through The Principal Secretary, Education Department, Government Secretariat, Jaipur.
2. The Principal Secretary, Department Of Personnel, Government Secretariat, Jaipur.
3. The Director, Secondary Education, Bikaner, Rajasthan.





4. Rajasthan Public Service Commission, Through Its Secretary, Ghooghra Ghati, Ajmer.

-----Respondents

For Petitioner(s)	:	Mr. Laxmi Kant Malpura Mr. Tanveer Ahmed with Mr. Manish Parihar
For Respondent(s)	:	Mr. M.S. Singhvi, AG with Mr. Sheetanshu Sharma Mr. Siddhant Jain & Mr. Darsh Pareek Mr. M.F. Baig, for RPSC Mr. S.S. Raghav, AAG with Mr. Mananjay Singh Rathore

HON'BLE MR. JUSTICE SAMEER JAIN

Judgment

Reserved on **13/04/2023**

Pronounced on **25/08/2023**

1. In the present batch of writ petitions, the scope of the controversy involved pertains to the inaction on part of the respondents in not operating the waiting list for the examination of School Lecturer-2018. Therefore, considering the fact that the writ petitions warrant adjudication on common questions of law, with the consent of learned counsel appearing on behalf of all the parties, **S.B. Civil Writ Petition No. 17297/2022** titled as **Santosh Charan vs State of Rajasthan**, is being taken up as the lead case. It is cautiously clarified that any discrepancies in the present batch of writ petitions, pertain purely to the factual narratives contained therein and not viz-a-viz the question(s) of law to be determined by this Court.

2. At the outset, it is submitted by learned counsel for the petitioners that the petitioners herein are those candidates, who





are placed next in order of merit, after the selected candidates for the examination of School Lecturer-2018. However, on account of the pendency of **S.B. CWP No. 4777/2021** titled as **Surjan Lal Dhawan vs. State of Rajasthan**, wherein a challenge was raised qua the correctness and/or validity of the impugned revised answer keys for various subjects, an interim order was passed by this Court to not operate the waiting list for the subjects concerned. Being aggrieved of the inaction on part of the respondent-RPSC, the petitioners have preferred the instant batch of writ petitions.

3. Learned counsel for the petitioners, Mr. Tanveer Ahamad, has submitted that it is a settled position of law that selection qua the advertised posts, is only amongst the available and eligible candidates. It is only when on account of unforeseen circumstances such as that of inadequate document verification resulting in establishment of the fact that a candidates inclusion in the select list was not proper, the candidates who are next in order of merit, are required to be offered appointment. Similarly, even under circumstances where the candidates who are otherwise eligible but did not present themselves for joining, the appointment of such candidates was liable to be cancelled and those candidates who were next in the order of merit, were required to be offered appointment.

4. In this regard, learned counsel for the petitioners placed reliance upon the judgment of this Court in **S.B. CWP No. 1781/2015** titled as **Ravindra Purohit vs. State of Rajasthan**, wherein it was held that:





"Aside of the aforesaid, I am of the considered opinion that in terms of the State Government's circular dated 19.07.200, it was incumbent upon the State Government to push up those in the waiting list during the period of its currency in the event of those in the select list being offered appointment not joining. The reason lies in the fact that by making an offer of appointment to those in the select list, the State Government had taken a conscious decision to make appointments to the number of posts advertised and there was no subsequent contra decision not to fill up posts rendered vacant by the non-joining of those in the select list. The State Government failed to act in terms of its own circular dated 19.07.2001 and acted arbitrarily in not operating the waiting list despite vacancies obtaining."

5. Learned counsel further argued that it is also a settled position of law that the life of the waiting list should start only after the last candidate who has been offered appointment does not join or fails to join timely and the life of the waiting list should not be allowed to commence prior to the said non-joining of selected candidate(s). In this regard, learned counsel for the petitioner placed reliance upon the judgment of this Court as rendered in **S.B. CWP No. 3569/2015** titled as **Pushpendra Agarwal vs. State of Rajasthan**, wherein it was held as under:

"There is also merit in the contention that waiting list shall operate from the date when the selected candidates had not joined. Therefore, the period of six months to give effect to the waiting list has to commence from the date when the selected candidate had not joined and admittedly that period came to an end on 11.09.2014. Therefore, the petitioner was to be issued appointment letter on or before 11.03.2015. A wrong objection was raised by the Section Officer and same was blindly acted upon by the Department."





6. In furtherance of the arguments raised above, Mr. Ahamad contended that the sole object of the selection process is to ensure that for public posts, requisite eligible candidates as per merit, are available for appointment so that they can discharge public functions and duties. Hence, keeping posts vacant, does not come to the resolve of either, the State or the aggrieved petitioners, who are placed in the waiting list. Even otherwise, it was argued that the law relating to the waiting list is clear insofar as it holds that waiting lists should not be used as a perpetual source of recruitment for further examinations. However, in the facts and circumstances of the present case, it was contended that the petitioners are candidates forming part of the waiting lists qua the same selection process, for which the posts are lying vacant. It is not a case where the waiting list has to be operated after the lapse of a period of several years, against new candidates who are to be issued appointment orders.

7. In support of the arguments raised herein-above, learned counsel for the petitioners conclusively placed reliance upon the dictum of the Hon'ble Apex Court as enunciated in **Civil Appeal No. 5155/1993** titled as **R.S. Mittal vs. Union of India**, wherein it was held as under:

"It is no doubt correct that a person on the select panel has no vested right to be appointed to the post for which he has been selected. He has a right to be considered for appointment. But at the same time, the appointing authority cannot ignore the select panel or decline to make appointment on its whims. When a person has been selected by the Selection Board and there is a vacancy which can be offered to him, keeping in view his merit position, then ordinarily, there is no justification to ignore him for





appointment. There has to be a justifiable reason to decline to appoint a person who is on the select panel. In the present case, there has been a mere inaction on the part of the Government. No reason whatsoever, not to talk of a justifiable reason, was given as to why the appointments were not offered to the candidates expeditiously and in accordance with law. The appointment should have been offered to Mr. Murgad within a reasonable time of availability of the vacancy and thereafter to the next candidate. The Central Government's approach in this case was wholly unjustified."



8. *Per contra*, learned Advocate General, Mr. M.S. Singhvi, appearing on behalf of the respondent-RPSC, prior to making any submissions on merit, briefly shed light on the factual matrix of the instant case. It was submitted that on 13.04.2018, the respondent-RPSC issued the advertisement for a total of 5,000 posts of School Lecturer-2018 for different subjects. Thereafter, the RPSC conducted the examination on various dates for different subjects and subsequently, issued the final merit list after the verification of the documents of select candidates. However, pursuant to the recommendation of the select candidates for the posts so advertised, Director Education, by way of the requisition letters dated 10.11.2021 and 11.11.2021, forwarded a list of non-joiner candidates for operation of the waiting list. Shortly after, vide letter dated 20.12.2021, RPSC intimated the Director, Secondary Education that qua the subjects so advertised, life span of the waiting lists had expired. A tabular exhibiting the expiry of the waiting lists is marked as 'Annexure R/6'.

9. During the course of arguments as well, it was submitted that the life of the waiting lists for all the subjects had



expired, even prior to the commencement of the present litigation. Therefore, the waiting list cannot be operated in contravention of the statutory rules governing the life of the waiting list. In this regard, reliance was placed upon Rule 20 of the Rajasthan Education Service Rules 1970, which is reproduced herein-under:

"20. Recommendations of the Commission:- *The Commission shall prepare a list of the candidates, whom they consider suitable for appointment to the post concerned, arranged in order of merit and forward the same to the appointing authority: Provided that the Commission may also to the extent of 50% of the advertised vacancies, keep names of suitable candidates may, on requisition, be recommended in order of merit to the appointing authority within 6 months from the date on which the original list is forwarded by the Commission to the appointing authority."*

10. Learned Advocate General further contended that the instant petitions have also been rendered infructuous and hold mere academic importance, especially on account of the fact that subsequent to the advertisement for the post of School Lecturer, 2018, the RPSC issued an advertisement for the post of School Lecturer, 2022, qua which the examination has already been conducted in the month of October, 2022. As on date, in the Year 2023, no vacancies persist qua the advertisement issued in the Year 2018.

11. In support of the arguments raised herein-above, learned Advocate General placed reliance on the dictum of the Hon'ble Apex Court as enunciated in **Gujarat State Dy. Executive vs. State of Gujarat** as reported in **1994 (2) SCALE 866**, wherein it was held as under:-





8. Coming to the next issue, the first question is what is a waiting list?; can it be treated as a source of recruitment from which candidates may be drawn as and when necessary?; and lastly how long can it operate? These are some important questions which do arise as a result of direction issued by the High Court. A waiting list prepared in service matters by the competent authority is a list of eligible and qualified candidates who in order of merit are placed below the last selected candidate. How it should operate and what is its nature may be governed by the rules. Usually it is linked with the selection or examination for which it is prepared. For instance, if an examination is held say for selecting 10 candidates for 1990 and the competent, authority prepares a waiting list then it is in respect of those ten seats only for which selection or competition was held. Reason for it is that whenever selection is held, except where it is for single post, it is normally held by taking into account not only the number of vacancies existing on the date when advertisement is issued or applications are invited but even those which are likely to arise in future within one year or so due to retirement etc. It is more so where selections are held regularly by the Commission. Such lists are prepared either under the rules or even otherwise mainly to ensure that the working in the office does not suffer if the selected candidates do not join for one or the other reason or the next selection or examination is not held soon. A candidate in the waiting list in the order of merit has a right to claim that he may be appointed if one or the other selected candidate does not join. But once the selected candidates join and no vacancy arises due to resignation etc. or for any other reason within the period the list is to operate under the rules or within reasonable period where no specific period is provided then candidate from the waiting list has no right to claim appointment to any future vacancy which may arise unless the selection was held for it. She has no vested right except to the limited extent, indicated above, or when the appointing authority acts arbitrarily and makes appointment from the waiting list by picking and choosing for extraneous reasons.

9. A waiting list prepared in an examination conducted by the Commission does not furnish a source of recruitment. It is operative only for the contingency





that if any of the selected candidates does not join then the person from the waiting list may be pushed up and be appointed in the vacancy so caused or if there is some extreme exigency the Government may as a matter of policy decision pick up persons in order of merit from the waiting list. But the view taken by the High Court that since the vacancies have not been worked out properly, therefore, the candidates from the waiting list were liable to be appointed does not appear to be sound. This practice, may result in depriving those candidates who become eligible for competing for the vacancies available in future. If the waiting list, in one examination was to operate as an infinite stock for appointments, there is a danger that the State Government may resort to the device of not holding an examination for years together and pick up candidates from the waiting list as and when required.

12. Lastly, reliance was also placed on the dictum of the Hon'ble Apex Court as enunciated in **M.P. Electricity Board vs. Virendra Kumar Sharma** reported in **(2002) 9 SCC 650** wherein it was held that:

"Any scheme for selection will depend upon the terms on which selections are made. In the present case, there is a scheme as provided in the circular dated 9-12-1968 and that circular also provided for the panel to be valid/current for a particular period namely one year. After that period, the list would lapse and fresh panel has to be prepared. If that is the scheme, none of the decisions relied upon by the learned counsel for the respondent would be of any assistance. The High Court is also not justified in relying upon the decision in Shivsingh's case inasmuch as the scheme of appointment was entirely different. Moreover the validity/currency of panel was for a particular period; that is a salutary principle, behind that Rule so that after the selections are made and appointments to be made may take long time, it is possible that new candidates may have become available who are better or more qualified than those selected, and if they are appointed it would be in the best interests of the institution. Hence we do not think there was any justification for the High Court to have interfered in the matter and directed appointment of the





respondent. The order made by the High Court is set aside and the writ petition filed by the respondent shall stand dismissed. The appeal is allowed accordingly."

13. Heard the arguments advanced by learned counsel for both the sides, scanned the record of the petitions and perused the judgments cited at Bar.

14. As is immediately apparent from the concise factual narrative of the instant batch of petitions, the grievance raised before this Court purely pertains to the purported inaction on part of the respondents in not operating the waiting list for the examination of School Lecturer-2018. Therefore, preceding to the discussion on merits, this Court deems it fit to outline the settled position of the law, insofar as it relates to the operation of the waiting list by the Commission tasked with the responsibility of administering the requisite appointments for the posts so advertised.

15. In this regard, reliance can be placed upon the dictum of the Hon'ble Apex Court as enunciated in **Rakhi Ray and Ors. vs. The High Court of Delhi and Ors.** reported in **(2010) 2 SCC 637**, wherein it was held as under:

"It is a settled legal proposition that vacancies cannot be filled up over and above the number of vacancies advertised as the recruitment of the candidates in excess of the notified vacancies is a denial and deprivation of the constitutional right under Article 14 read with Article 16(1) of the Constitution, of those persons who acquired eligibility for the post in question in accordance with the statutory rules subsequent to the date of notification of vacancies. Filling up the vacancies over the notified vacancies is neither permissible nor desirable, for the





reason, that it amounts to improper exercise of power and only in a rare and exceptional circumstance and in emergent situation, such a rule can be deviated and such a deviation is permissible only after adopting policy decision based on some rational, otherwise the exercise would be arbitrary. **Filling up of vacancies over the notified vacancies amounts to filling up of future vacancies and thus, not permissible in law."**

16. Similarly, the Hon'ble Apex Court in **State of Punjab vs. Raghbir Chand Sharma:(2002) 1 SCC 113**, while dealing with the question as to when the recruitment process can be said to have come to an end, held as under:

*"With the appointment of the first candidate for the only post in respect of which the consideration came to be made and select panel prepared, the panel ceased to exist and has outlived its utility and, at any rate, no one else in the panel can legitimately contend that he should have been offered appointment either in the vacancy arising on account of the subsequent resignation of the person appointed from the panel or any other vacancies arising subsequently. The Circular Orders dated 22.3.1957, in our view, relates to select panels prepared by the Public Service Commission and not a panel of the nature under consideration. **That apart, even as per the Circular Orders as also the decision relied upon for the first respondent, no claim can be asserted and countenanced for appointment after the expiry of six months.** We find no rhyme or reason for such a claim to be enforced before Courts, leave alone there being any legally protected right in the first respondent to get appointed to any vacancy arising subsequently, when somebody else was appointed by the process of promotion taking into account his experience and needs as well as administrative exigencies."*

17. Furthermore, in **Mukul Saikia vs. State of Assam** reported in **(2009) 1 SCC 386**, the Hon'ble Apex Court held that once appointments are made against the advertised posts, the select list gets exhausted and those who are placed below the last





appointee cannot claim appointment against the posts which subsequently become available. The relevant extract is reproduced herein-under:

"At the outset it should be noticed that the select list prepared by APSC could be used to fill the notified vacancies and not future vacancies. If the requisition and advertisement was only for 27 posts, the State cannot appoint more than the number of posts advertised, even though APSC had prepared a select list of 64 candidates. The selection list got exhausted when all the 27 posts were filled. Thereafter, the candidates below the 27 appointed candidates have no right to claim appointment to any vacancy in regard to which selection was not held. The fact that evidently and admittedly the names of the appellants appeared in the select list dated 17.07.2000 below the persons who have been appointed on merit against the said 27 vacancies, and as such they could not have been appointed in excess of the number of posts advertised as the currency of select list had expired as soon as the number of posts advertised are filled up, therefore, appointments beyond the number of posts advertised would amount to filling up future vacancies meant for direct candidates in violation of quota rules. Therefore, the appellants are not entitled to claim any relief for themselves."

18. Upon a cumulative reading of the dictum of the Hon'ble Apex Court as noted herein-above, it is made abundantly clear that a waiting list prepared in pursuance of an examination conducted by the concerned examination authority (herein, RPSC) does not furnish a perpetual source of recruitment. It is operative only for the contingency that if any of the selected candidates do not join pursuant to their selection, then in such an eventuality, persons from the waiting list may be pushed up for appointment against the vacancy so caused. In essence, on account of exigencies that may or may not be foreseeable in the ordinary





course of action, the State may as a matter of policy decision, pick up persons in order of merit from the waiting list. However, at the same time, it is of utmost relevance to note that the candidates from the waiting list prepared against the examination conducted in pursuance of a specific advertisement, cannot subsequently claim a right of appointment and/or consideration for future appointments to be made with respect to a different advertisement. Such practice of deemed consideration for appointment against prospective vacancies shall result in depriving those candidates who become eligible for competing for the vacancies made available in the future. Therefore, if the waiting list in one examination was to operate as an infinite stock for appointments, there is danger that the State may resort to the device of not holding an examination for years together and pick up candidates from the reservoir of the erstwhile waiting list candidates, as and when required. Therefore, as per constitutional discipline, in consonance with the settled position of the law, courts are actively required to curtail exigencies which may result in creation of a vested interest amongst the candidates of a waiting list, for illegally perpetrating the independent right of future candidates for being considered for appointment on the requisite posts to be filled in the future.

19. In light of the observations made herein-above, *the solitary consideration for the operation of the waiting list, is the availability of vacancies against the posts so advertised by the Commission*, especially on account of the settled legal proposition that vacancies cannot be filled up over and above the number of





vacancies advertised as the recruitment of the candidates in excess of the notified vacancies is a denial and deprivation of the constitutional right under Article 14 read with Article 16(1) of the Constitution, of those persons who acquired eligibility for the post in question in accordance with the statutory rules subsequent to the date of notification of vacancies.

20. Even the judgments, as relied upon by the learned counsel for the petitioners, in support of the operation of the waiting list are contingent on the factum of the availability of vacancies against the posts so advertised by the Commission. For example: In **Ravindra Purohit (Supra)**, the Court directed the State Government to push up those in the waiting list during the period of its currency, in the event of those in the select list being offered appointment not joining, *subject* to vacancies remaining. Moreover, even in **R.S. Mittal (Supra)**, the Hon'ble Apex Court held that *subject* to the availability of vacancies, a person who has been selected by the Selection Board cannot be denied appointment, keeping in view his/her merit position.

21. During the course of arguments, learned Advocate General categorically submitted that out of the 5000 posts so advertised by way of the advertisement issued in 2018, all have been filled in consonance with the selection process carried out by the RPSC. Moreover, it was account of certain vacancies that the candidates placed in the waiting list had been given appointment orders. Therefore, it was conclusively contended that no vacancies remain as on date, against which the waiting list can be operated





to accommodate the aggrieved candidates. In support of the said submission, an additional affidavit was filed by the State as well, exhibiting the vacancies to be filled by way of issuance of appointment orders to select candidates.

22. Therefore, in light of the fact that no vacancies remain as on date qua the posts advertised by way of the advertisement issued in the Year 2018, it can be conclusively said that the operation of the waiting list has become an issue of mere academic importance, as no accommodation can be granted to the candidates placed in the waiting list. At this juncture, it would be pertinent to reiterate the fact that filling up the vacancies over the notified vacancies is neither permissible nor desirable, for the reason, that it amounts to improper exercise of power and only in a rare and exceptional circumstance and in an emergent situation, such a rule can be deviated and such a deviation is permissible only after adopting policy decision based on some rational, otherwise the exercise would be arbitrary. Filling up of vacancies over the notified vacancies amounts to filling up of future vacancies and thus, not permissible in law.

23. Even otherwise, secondary to the observations made herein-above, if the Court were to adjudicate upon the issue of the operation of the waiting list as on date, then under such an eventuality, the next inferential measure for this Court would be to analyze whether the waiting list survives as on date or not. In this regard, reliance can be placed upon Rule 20 of the Rajasthan Education Service Rules, 1970. For easy reference, the same is reiterated herein-under:





“20. Recommendations of the Commission:- *The Commission shall prepare a list of the candidates, whom they consider suitable for appointment to the post concerned, arranged in order of merit and forward the same to the appointing authority: Provided that the Commission may also to the extent of 50% of the advertised vacancies, keep names of suitable candidates may, on requisition, be recommended in order of merit to the appointing authority within 6 months from the date on which the original list is forwarded by the Commission to the appointing authority.”*

24. As per Rule 20 of the Rules of 1970, an additional list to the extent of 50% of the advertised vacancies needs to be prepared by the Commission, which for all purposes may be referred to as the waiting list. The Rule further directs that if a requisition is sent by the State, which is also the appointing authority, name of the said candidates should be recommended from the waiting list, in order of merit. The Rule, however, provides a period, which is called to be the life of the panel. The said life of the panel subsists for a period of six months from the date, on which, the original list is forwarded by the Commission to the State/appointing authority.

25. Therefore, when dealing with the question of the validity of the operation of the waiting list, this Court is required to look into the statutory provision in strict terms, especially when, no other alternate interpretation can be adopted. Accordingly, in view of the proviso of Rule 20 of the Rules of 1970, the crucial date to reckon the lifetime of the waiting list is the date on which the list was forwarded by the Commission to the Appointing Authority. As per table appended as Annexure R/6, it is made clear





that the life span of the waiting list had been expired in the Year 2021 itself, on account of the lapse of the period of six months. As on date, we are in the Year 2023 and therefore, it cannot be said that the life span of the waiting list subsists as on date.

26. Lastly, tertiary to the observations made above, it may be relevant to note that subsequent to the advertisement for the post of School Lecturer, 2018, the RPSC issued an advertisement for the post of School Lecturer, 2022, qua which the examination has already been conducted in the month of October, 2022. Therefore, at this stage, the prayer of the petitioners regarding the operation of the waiting list qua the examination conducted for the post of School Lecturer-2018 cannot be entertained, especially in light of the fact that no vacancies qua the posts advertised in the Year 2018 remain as on date coupled with Rule 20 of the Rajasthan Education Service Rules, 1970.

27. Thus, solely on account of the fact that no vacancies remain as on date qua the posts advertised by the Commission in the Year 2018, the judgments cited by the petitioners in the case of **Ravindra Purohit (Supra)** and **R.S. Mittal (Supra)** are distinguished. Simultaneously, the judgments cited by the learned Advocate General on the issue of the life and operation of the waiting list in **Gujarat State Dy. Executive (Supra)** and **M.P. Electricity Board (Supra)** are squarely applicable in the facts and circumstances of the present petitions.

28. Thus, considering the fact that a waiting list prepared in pursuance of an examination conducted by the respondent-RPSC does not furnish a perpetual source of recruitment; that the





waiting list is operative only for the contingency that if any of the selected candidates do not join pursuant to their selection, then under such an eventuality, persons from the waiting list may be pushed up for appointment against the vacancy so caused; that qua the posts so advertised for School Lecturer-2018, no vacancies remain as on date; that the candidates from the waiting list prepared against the examination conducted in pursuance of a specific advertisement, cannot subsequently claim a right of appointment and/or consideration for future appointments to be made with respect to a different advertisement; that as per Rule 20 of the Rajasthan Education Service Rules, 1970, the life span of the waiting list has expired; that subsequent to the advertisement for the post of School Lecturer, 2018, the RPSC issued an advertisement for the post of School Lecturer, 2022, qua which the examination has already been conducted in the month of October, 2022 and relying upon the dictum of the Hon'ble Apex Court as enunciated in **Gujarat State Dy. Executive (Supra), M.P. Electricity Board (Supra), Rakhi Ray (Supra), Raghbir Chand Sharma (Supra)** and **Mukul Saikia (Supra)**, this Court deems it fit to dismiss the present batch of writ petitions.

29. As a result, the writ petitions are dismissed. Pending applications, if any, stand disposed of.

(SAMEER JAIN),J

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