

ITEM NOS.23+42+43+44 COURT NO.3 SLP NO. CORRECTED\*  
(HEARING THROUGH VIDEO CONFERENCING) SECTION XV

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Petition for Special Leave to Appeal (C) No.7797/2021

(Arising out of impugned final judgment and order dated 04-02-2021 in DBSAW No.16/2021 passed by the High Court Of Judicature For Rajasthan At Jodhpur)

STATE OF RAJASTHAN & ORS.

Petitioner(s)

VERSUS

MAHENDRA

Respondent(s)

(FOR ADMISSION and I.R.; and, IA No.69197/2021 - FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

WITH

SLP(C) No.7808/2021 (XV)  
(FOR ADMISSION)

SLP(C) No.7829/2021 (XV)  
(FOR ADMISSION and I.R.)

SLP(C) No.7863/2021 (XV)  
(FOR ADMISSION and I.R.)

SLP(C) No.7870/2021 (XV)\*

SLP(C) No.7981/2021 (XV)  
(FOR ADMISSION and I.R.)

SLP(C) No.8161/2021 (XV)  
(FOR ADMISSION and I.R.)

SLP(C) No.7917/2021 (XV)  
(FOR ADMISSION and I.R.)

Date : 01-07-2021 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE UDAY UMESH LALIT  
HON'BLE MR. JUSTICE AJAY RASTOGI

For Petitioner(s) Ms. Pragati Neekhra, AOR

For Respondent(s) Mr. Arvind Varma, Sr. Adv.  
 Mr. Saurabh Ajay Gupta, AOR  
 Mr. Nishant Bishnoi, Adv.  
 Mr. Shridhar Mehta, Adv.  
 Ms. Srishti Prabhakar, Adv.  
 Ms. Smridhi Sharma, Adv.

UPON hearing the counsel the Court made the following  
 O R D E R

The present bunch of matters were disposed of by the Division Bench of the High Court relying upon its earlier decision dated 30.09.2019 passed in *State of Rajasthan & Anr. v. Vimla Devi Saini*, D.B. Special Appeal (Writ) No.877 of 2019.

In *Vimla Devi Saini's* case, after considering Rule 6(1A) of the Rajasthan Engineering Subordinate Service (Public Health Engineering Branch) Rules, 1967, the Division Bench of the High Court observed as under:

"In the present case, the respondent is possessing degree of B.E. Even if she applied against diploma category, the rules permit her to seek change of the category from diploma to degree quota, of course, subject to availability of vacancies and further subject to a rider that her seniority amongst the Junior Engineer (Degree Holders) shall be determined from the date of occurrence of vacancy against which she would be appointed on the post of Junior Engineer (Degree Holder) and one third of her previous experience shall be counted as experience on the post of Junior Engineer for the purpose of promotion to the next higher post. It has not been disputed that there is indeed vacancy available in the quota of Degree Holders Junior Engineer."

We heard Ms. Pragati Neekhra, learned Advocate for the State and Mr. Arvind Varma, learned Senior Advocate appearing for some of the respondents on caveat.

We do not see any reason to entertain these petitions in exercise of our jurisdiction under Article 136(1) of the Constitution.

These Special Leave Petitions are, accordingly, dismissed.

Pending applications, if any, also stand disposed of.

(MUKESH NASA)  
COURT MASTER

(VIRENDER SINGH)  
BRANCH OFFICER