



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



D.B. Civil Writ Petition No.1564/2023

1. Anand Prakash Agarwal S/o Late Shri Madan Lal Agarwal, Resident Of 156, Nav Durga Nagar, Jhalamand Road, Jodhpur (Raj.), Presently Posted As Assistant Registrar, Rajasthan High Court, Jodhpur.
2. Lalit Kumar Thanvi S/o Shri Sunder Lal Thanvi, 20/485, Chopasani Housing Board, Jodhpur (Raj.) Presently Posted As Assistant Registrar, Rajasthan High Court, Jodhpur
3. Vijay Indian Senu S/o Shri Mangla Ram Lilawat, Resident of 38-Ka-3, Jyoti Nagar, Lal Kothi Scheme, Jaipur And Presently Working On The Post Of Assistant Registrar, Rajasthan High Court Bench At Jaipur (Rajasthan).
4. Rajeev Kumar Tyagi S/o Shri Rajendra Kumar Tyagi, Resident Of 20, Krishna Nagar, Gopalpura Bye Pass, Jaipur, Presently Posted As Assistant Registrar, Rajasthan High Court Bench At Jaipur.

-----Petitioners

Versus

1. The High Court Of Judicature For Rajasthan, Jodhpur, Through The Registrar General, Jodhpur/Jaipur.
2. Shri Rajesh Jangid, Presently Posted As Assistant Registrar, Rajasthan High Court, Jodhpur Through Registrar General Rajasthan High Court, Jodhpur.
3. Shri Mahesh Kumar, Presently Posted As Assistant Registrar, Rajasthan High Court, Jodhpur Through Registrar General Rajasthan High Court, Jodhpur.
4. Shri Kailash Chand Sharma, Presently Posted As Assistant Registrar, Rajasthan High Court Bench At Jaipur Through Registrar General, Rajasthan High Court, Jaipur.
5. Shri Ashok Bhandari, Presently Posted As Assistant Registrar, Rajasthan High Court, Jodhpur Through The Registrar General, Rajasthan High Court, Jodhpur.
6. Shri Poonam Chand Patel, Presently Posted As Assistant Registrar, Rajasthan High Court, Jodhpur Through Registrar General, Rajasthan High Court, Jodhpur.

-----Respondents



For Petitioners : Mr.Sunil Samdaria, Adv. with
Mr.Arihant Samdaria, Adv.
For Respondents : Mr.Prateek Kasliwal. Adv.
Dr.Abhinav Sharma, Adv.

HON'BLE MR. JUSTICE AVNEESH JHINGAN
HON'BLE MR. JUSTICE BHUWAN GOYAL

Order

12/07/2025

AVNEESH JHINGAN, J:-

1. This petition is filed challenging the seniority list of Assistant Registrars issued on 27.05.2022.
2. The brief facts are that against the vacancies of 2013-14, the petitioners were promoted as Court Master on 26.09.2015. The fixation of salary of the petitioners was notionally done from 31.03.2014. The respondent Nos.2 to 5 were promoted on 12.03.2015, to the post of Administrative Officer Judicial (for brevity 'AOJ') against the vacancies of 2014-15. The respondent No.6 was promoted on 17.04.2015, (hereinafter respondent Nos. 2 to 6 are referred to as 'respondents'). The Court Master and AOJ are the feeder cadre for the post of Assistant Registrar (for short 'AR'). The petitioners and respondents were promoted to the post of AR on 18.01.2021. The provisional seniority list of ARs was circulated on 13.09.2021, and the petitioners were placed below the respondents. The objection filed by the petitioners on 27.09.2021 was rejected and final seniority list was issued on 27.05.2022, maintaining the seniority position as was in provisional seniority list.



3. Learned counsel for the petitioners submits that the petitioners are senior to the respondents. The petitioners were promoted to the post of Court Master against the vacancies of 2013-14 whereas the respondents were promoted against the vacancies of 2014-15.

3.1 Rule 20 of the Rajasthan High Court Staff Service Rules, 2002 (hereinafter referred to as '2002 Rules') is relied upon to contend that the petitioners as Court Master were senior to the respondents having been promoted against the vacancies of 2013-14 and that seniority should have been maintained for the post of AR.

3.2 It is further argued that the objection of the petitioners to the provisional seniority list was not considered. Reliance is placed upon the decision of the Supreme Court in the case of **Premlata Joshi Vs. Chief Secretary, State of Uttarakhand and Ors.** reported in **[2013 16 SCC 482]** to contend that even in the case of promotion on the basis of merit, the seniority shall come into play if two candidates are of equal on merit.

4. Learned counsel for the High Court relies upon Clause 12 of Order dated 05.12.2002 (for brevity 'Order of 2002'), issued in pursuance to Rules 4, 5, 7 and 22 of 2002 Rules to argue that the criteria for promotion to the post of AR is merit. The committee recommends the candidates amongst the Court Masters, AOJs and other eligible candidates after adjudging their suitability.

4.1 It is submitted that in pursuance to the directions of this Court the deliberation of the Committee on the



representation filed by the petitioners against the provisional seniority list is reproduced in the affidavit dated 06.08.2024, wherein it is stated that the criteria for promotion was of merit alone.

5. At this stage, learned counsel for the petitioners submits that the consideration of the representation was provided to the petitioners only during pendency of this petition. It is contended that the reliance placed by the committee on the decision of **Bharat Bhatia Vs. The Rajasthan High Court & Ors.** in **D.B. Civil Writ Petition No.3274/2016** decided on **12.01.2017** is misplaced. The issue involved in that case was with regard to giving the deemed promotion from the date of availability of the vacancy.

6. Heard learned counsel for the parties and perused the pleadings.

7. Before proceeding further, it would be relevant to quote Clause 12 of Order of 2002 and Rule 20 of the 2002 Rules:-

"12. Assistant Registrars/Court Officers:-

Recruitment to the post of Assistant Registrar/Court Officer shall be made by promotion on the recommendation of a Committee nominated by the Appointing Authority adjudging suitability of the candidates on the criteria of merit from amongst the Administrative Officer Judicial, Guest House Manager Grade-I, Assistant Accounts Officers, Chief Accountant-cum-Administrative Officer Judicial and Court Masters.

20. Seniority:- Seniority in service shall be determined from the date of substantive appointment on the post.



Explanation:— (1) Seniority in service of the member of staff of the Subordinate Court transferred to the Court otherwise than on his own request under proviso to sub-rule (1) of Rule 5 of these Rules shall be determined from the date of substantive appointment on the corresponding post where from he is transferred.

Explanation :— (2) [Deleted].

Provided that—

(i) That the seniority inter se of persons appointed to a post by direct recruitment on the basis of one and the same selection, except those who do not join the service when post is offered to them within a period as specified by the Appointing Authority from the date of the issue of the order or longer if extended by the Appointing Authority, shall follow the order in which the names have been placed in the select list.

(ii) two or more persons were appointed on a post in the same year, a person appointed by promotion shall be senior to the person appointed by direct recruitment;

(iii) the seniority inter se of persons selected on the basis of seniority-cum-merit and on the basis of seniority-cum-efficiency in the same selection shall be the same as in the next below post;

(iv) if a candidate belonging to the Scheduled Caste/Scheduled Tribe is promoted to an immediate higher post/grade against a reserved vacancy earlier than his senior General/Other Backward Class candidate who is promoted later to the said immediate higher post/grade, the General/Other Backward Class candidate will regain his seniority over such earlier promoted candidate of the Scheduled Caste/Scheduled Tribe in the immediate higher post/grade."



8. The admitted facts are that the petitioners and the respondents were Court Masters and AOJs respectively; both the posts had different seniority lists and both the posts are feeder cadre for promotion to the post of AR.

9. The petitioners were notionally promoted to the post of Court Masters against the vacancies of 2013-14 and the respondents were promoted against the vacancies of 2014-15, albeit, the promotion of the respondents was prior in time. The language of Clause 12 of Order of 2002 is clear and unambiguous that criteria for promotion to the post of AR shall be merit. In other words, the seniority of post of Court Master and AOJ cannot be sole criteria for promotion as per Clause 12 of Order of 2002.

10. The contention of learned counsel for the petitioners that the decision of Division Bench of this Court in the case of **Bharat Bhatia** (supra) was wrongly relied, even if accepted does not effect the conclusion that promotion to the post of AR was based on merits. From the consideration of the committee placed before this Court by way of affidavit it is evident that criteria of merit alone was followed for promoting the petitioners and the respondents to the post of AR.

11. Reliance placed on proviso (iii) of Rule 20 by the learned counsel for the petitioners is misplaced. The proviso deals with selection on the basis of seniority-cum-merit and



seniority-cum-efficiency, where as the criteria for promotion under Clause 12 of Order of 2002 is merit.

12. At this stage, where it is not established as to whether the candidates were inter-se equal on merit, the reliance on the decision of **Premalata Joshi (supra)** is of no help to the petitioners.

13. No case is made out for interference in the impugned seniority list.

14. In view of the grievance that only during the pendency of this petition the consideration of objections against the provisional seniority list was communicated and the petitioners were deprived of an opportunity to raise grievance against the determination of merit of the candidates, the petitioners are granted liberty to file representation before respondent no. 1 for redressal of surviving grievance, if any.

15. In the eventuality of such a representation being made, the same shall be considered in accordance with law expeditiously, preferably within four months from the date of receipt of certified copy of this order.

16. The petition is disposed of accordingly.

(BHUWAN GOYAL), J

(AVNEESH JHINGAN), J

Riya/Himanshu Soni/47

Reportable:- **Yes**