

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL No.2744 OF 2024
(Arising out of SLP(C)No.1294 OF 2023)

RAMJI LAL JAT

... APPELLANT

Versus

THE STATE OF RAJASTHAN & ORS.

... RESPONDENTS

O R D E R

1. Leave granted.

2. The appellant is an ex-serviceman, who retired from defence services on 31.01.2017. He applied for the post of Police Constable in the Rajasthan Police on 25.05.2018, but his candidature was rejected in light of Rule 24(4) of the Rajasthan Police Subordinate Service Rules, 1989, on the ground that since he had more than two children after 01.06.2002, he stood disqualified for public employment under the State, as per the Rajasthan Various Service (Amendment) Rules, 2001 (for short, 'the 2001 Rules'), which, *inter alia*, provides that "no candidate shall be eligible for appointment to the service who has more than two children on or after 01.06.2002."

3. The aggrieved appellant approached the High Court of Judicature for Rajasthan and a Division Bench, vide the impugned

judgment dated 12.10.2022, has turned down his claim on the premise that the subject-Rule, under which the appellant has been disqualified, falls within the realm of policy and does not warrant any interference by the Court.

4. We have heard learned counsel for the appellant at a considerable length and carefully perused the material placed on record. A somewhat similar provision, which was introduced as an eligibility condition to contest Panchayat elections, has been upheld by this Court in Javed and others vs. State of Haryana and others, (2003) 8 SCC 369. This Court held that the classification, which disqualifies candidates for having more than two living children, was non-discriminatory and intra-vires the Constitution, since the objective behind the provision was to promote family planning.

5. It is the appellant's contention that, in addition to 109 sets of Statutory Service Rules, where the aforesaid eligibility condition has been introduced, there are Rules regarding the absorption of ex-servicemen where the condition of not having more than two children has not been specified. Assuming it to be correct, we are of the view that such a plea does not advance the appellant's case. It is undisputed that the appellant applied for recruitment to the post of Constable in Rajasthan Police and such recruitment is governed by the Rajasthan Police Subordinate Service Rules, 1989. These 1989 Rules have been specifically enlisted at Serial No.104 of the Schedule appended to the 2001 Rules.

6. In view of this, we do not find any ground to interfere with the view taken by the High Court.

7. The appeal is, accordingly, dismissed.

.....J.
(SURYA KANT)

.....J.
(DIPANKAR DATTA)

.....J.
(K.V. VISWANATHAN)

NEW DELHI;
FEBRUARY 20, 2024.

ITEM NO.21

COURT NO.4

SECTION XV

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s).1294/2023

(Arising out of impugned final judgment and order dated 12-10-2022 in DBCWP No.8240/2019 passed by the High Court of Judicature for Rajasthan at Jaipur)

RAMJI LAL JAT

Petitioner(s)

VERSUS

THE STATE OF RAJASTHAN & ORS.

Respondent(s)

Date : 20-02-2024 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE DIPANKAR DATTA
HON'BLE MR. JUSTICE K.V. VISWANATHAN

For Petitioner(s) Mr. Puneet Jain, Adv.
Mr. Mann Arora, Adv.
Ms. Akriti Sharma, Adv.
Ms. Lisha Bhati, Adv.
Ms. Christi Jain, AOR

For Respondent(s) Mrs. Nilofar Khan, A.A.G.
Mr. Anjum Parvez, Adv.
Ms. Nilofar Khan, AOR

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

Leave granted.

The appeal is dismissed in terms of the signed order.

(SATISH KUMAR YADAV)
DEPUTY REGISTRAR

(PREETHI T.C.)
COURT MASTER (NSH)

(Signed order is placed on the file)