



**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Civil Writ Petition No. 10154/2019

1. Nakul Patidar S/o Shri Rajendra Patidar, Aged About 26 Years, R/o V.p. Karji, Tehsil Bagidora, Banswara, Rajasthan.
2. Bhupendra Singh Chouhan S/o Shri Chattar Singh Chouhan, Aged About 25 Years, R/o Village Vanwasa, Post Bhekhared, Tehsil- Sabla, District- Dungarpur, Rajasthan.
3. V. P. Singh Shaktawat S/o Shri Hari Singh Shaktawat, Aged About 25 Years, R/o V.p. Kherwa, Tehsil- Ghatol, District- Banswara, Rajasthan.
4. Hemandra Singh Jhala S/o Shri Kalyan Singh, Aged About 27 Years, R/o V.p. Gopinath Ka Gada, Tehsil- Gadi, District- Banswara, Rajasthan.
5. Sukhram Maida S/o Shri Vagji, Aged About 26 Years, R/o V.p. Kundal, Tehsil- Chhoti Sarwan, District- Banswara, Rajasthan.
6. Sailash Kumar Patidar S/o Harish Patidar, Aged About 25 Years, R/o Village Gamdi, Post Aakja, Tehsil- Gadi, District- Banswara, Rajasthan.
7. Chetan Lal Kharadi S/o Amrat Lal, Aged About 31 Years, R/o Village Charana Bhundwai, Post Narwali, Tehsil Ghatol, District- Banswara, Rajasthan.
8. Virendra Patidar S/o Nathulal Patidar, Aged About 27 Years, R/o Village Post Kurji, Tehsil- Bagidora, District- Banswara, Rajasthan.
9. Krishna Baldev Singh Chundawat S/o Rajendra Singh Chundawat, Aged About 26 Years, R/o Village Post Panchwada, Tehsil- Gadi, District- Banswara, Rajasthan.
10. Lokendra Singh Chauhan S/o Shri Karan Singh Chouhan, Aged About 25 Years, Rajput Mohlla, Village Samagada, Post Talwada, Tehsil Banswara, District Banswara, Rajasthan.
11. Vijayraj Singh Chouhan S/o Bhopal Singh Chouhan, Aged About 26 Years, R/o Village Post Umbada, Tehsil - Gadhi, District- Banswara, Rajasthan.
12. Devi Singh Shaktawat S/o Shri Gajaindra Singh



Shaktawat, Aged About 25 Years, R/o V.p. Kherwa, Tehsil- Ghatol, District- Banswara, Rajasthan.

13. Rajesh Patidar S/o Shri Dhanji Patidar, Aged About 27 Years, R/o V.p. Bagidora, Tehsil- Bagidora, District- Banswara, Rajasthan.

14. Himanshu Singh Solanki S/o Shri Chhatra Singh Rathore, Aged About 28 Years, R/o Rajput Mohalla, Ghadi, Tehsil- Ghadi, District Banswara, Rajasthan.

15. Pritam Pal Singh Rathore S/o Shri Chhatra Singh Rathore, Aged About 26 Years, R/o Village Baikagada, Post Metwala, Tehsil- Ghadi, District- Banswara, Rajasthan.

16. Hansraj Singh Ahada S/o Shri Bhavan Singh Ahada, Aged About 26 Years, R/o V.p. Mathugamda, Rajput Basti, Tehsil- Dungarpur, District- Dungarpur, Rajasthan.

17. Mehtab Singh Rao S/o Jaswant Singh Rao, Aged About 26 Years, R/o Village Bhatwada, Post- Badoda, Tehsil- Aspur, District- Dungarpur.

18. Satyanarayan Singh S/o Shri Chandraveer Singh, Aged About 27 Years, R/ Village Gada Eklingji, Post Kheda, Tehsil- Aaspur, District- Dungarpur, Rajasthan.

19. Rajat Kumar Punjot S/o Shri Ashok Kumar Punjot, Aged About 26 Years, R/o V.p. Barbodaniya, Tehsil- Sagwada, District- Dungarpur, Rajasthan.

20. Nipaish Kalasua S/o Shri Khemraj Kalasua, Aged About 27 Years, R/o Village Batikda, Post Punali, Panchayat- Ragela, Tehsil- Dungarpur, District Dungarpur, Rajasthan.

21. Rajendra Kumar Gatiya S/o Shri Basulalgatiya, Aged About 32 Years, R/o V.p. Taleya, Tehsil Bichhiwada, District- Dungarpur, Rajasthan.

22. Manmohan Singh Rathoud S/o Shri Kalyan Singh Rathoud, Aged About 27 Years, R/o Village Godapala, Post Buchiyabada, Tehsil- Sagwada, District- Dungarpur, Rajasthan.

23. Gajendra Singh Rathore S/o Shri Nathu Singh Rathore, Aged About 26 Years, R/o Village- Fatehghadh, Post Pachlasa Chhota, Tehsil- Sabla, District- Dungarpur, Rajasthan.



24. Ramesh Chandra Asari S/o Shri Vaja, Aged About 31 Years, R/o Village Padaliya, Post Bawalwada, Tehsil-Kherwada, District- Udaipur, Rajasthan.
25. Krishna Lal Bheel S/o Shri Lala Ji Bheel, Aged About 29 Years, R/o V.p. Kanbai, Tehsil- Kherwada, District Udaipur, Rajasthan.
26. Mahendra Singh Chouhan S/o Shri Bhopal Singh Chouhan, Aged About 25 Years, R/o V.p. Bhabarana, Tehsil- Salumbar, District Udaipur, Rajasthan.
27. Gajendra Singh Chouhan S/o Fateh Singh, Aged About 27 Years, R/o V.p. Samawatwada, Bhabarana, Tehsil-Salumbar, District - Udaipur, Rajasthan.
28. Naresh Kumar Meghwal S/o Mohan Lal Meghwal, Aged About 31 Years, R/o V.p. Adhwas, Tehsil- Sarada, District-Udaipur, Rajasthan.
29. Anil Kumar Meena S/o Shri Prem Chand Meena, Aged About 29 Years, R/o V.p. Kaghdar Bhatiya, Tehsil-Rishabhdev, District- Udaipur, Rajasthan.
30. Madhu Singh Rajput S/o Shri Onar Singh Rajput, Aged About 27 Years, R/o Village Mahadev Kheda, Post Bassi Samchouth, Tehsil- Salumber, District- Udaipur, Rajasthan.
31. Prabhu Lal Dungari S/o Shri Deeta Dungari, Aged About 25 Years, R/o Village Jhanjarki Pal, Post Uprera, Tehsil-Jhadol, District- Udaipur, Rajasthan.
32. Narayan Lal Meena S/o Shri Roopa Ji Meena, Aged About 28 Years, R/o Village Dhavditalai, Post Zawar, Tehsil Girwa, District Udaipur, Rajasthan.
33. Kanhaiya Lal Meena S/o Shri Laxman Meena, Aged About 31 Years, R/o Village Nathara Kauja, Post Nathara, Tehsil Sarada, District Udaipur, Rajasthan.
34. Arvind Singh Shaktawat S/o Shri Natwar Singh Shaktawat, Aged About 24 Years, R/o Village Bheempur, Post Shyampura, Tehsil Semari, District Udaipur, Rajasthan.
35. Praveen Singh Garasiya S/o Shri Dalpat Singh Garasiya, Aged About 32 Years, R/o Village Ranawada, Post Thana,





Tehsil Kherwada, District Udaipur, Rajasthan.

36. Nepal Singh Rathore S/o Dalpat Singh Rathore, Aged About 27 Years, R/o Village Post Noli, Tehsil Salumber, District Udaipur, Rajasthan.
37. Narpat Singh Chauhan S/o Shri Takhat Singh Chouhan, Aged About 27 Years, R/o Village Chatardi, Post Baka Kherwada, Tehsil Jhadol, District Udaipur, Rajasthan.
38. Rakesh Kumar Meena S/o Keshav Lal Meena, Aged About 29 Years, R/o Village Bara, Fala Bhamat, Post Parsad, Tehsil Girwa, District Udaipur, Rajasthan.
39. Pintu Kumar Vadera S/o Shri Mangi Lal Ji Vadera, Aged About 29 Years, R/o Village Loonawato Ka Kheda, Post Dhimdi, Tehsil Jhadol, District Udaipur, Rajasthan.
40. Roshal Lal Katara S/o Shri Veer Ji Katara, Aged About 29 Years, R/o Village Pai, Tehsil Girwa, District Udaipur, Rajasthan.
41. Ramesh Chandra Meena S/o Shri Nawalji, Aged About 31 Years, R/o Village Sadakdi, Tehsil Semari, District Udaipur, Rajasthan.
42. Naresh Mehta S/o Gopal Mehta, Aged About 28 Years, R/o V.p. Adkaliya, Tehsil Salumber, District Udaipur, Rajasthan.
43. Harshvardhan Singh Shaktawat S/o Shri Padam Singh Shaktawat, Aged About 25 Years, R/o Village Bheempur, Post Shayampura, Tehsil Semari, District Udaipur, Rajasthan.
44. Nathu Lal Meena S/o Dhanna Lal Meena, Aged About 32 Years, R/o Village Dewala, Post Palodda, Tehsil Sarada, District Udaipur, Rajasthan.
45. Hitesh Singh Chundawat S/o Shri Mahipal Singh Chundawat, Aged About 28 Years, R/o V.p. Thada, Tehsil Salumber, District Udaipur, Rajasthan.
46. Devi Lal Meena S/o Shri Hari Prakash Meena, Aged About 34 Years, R/o Village Kharbar-A, Post Kharbar, Tehsil Sarada, District Udaipur, Rajasthan.
47. Rakesh Kumar S/o Mahesh Kumar, Aged About 33 Years, Sr/o Village Kandal, Post Khanmin, Tehsil Kherwada,





District Udaipur, Rajasthan.

48. Mukesh Kumar Kalasua S/o Shri Nathuji, Aged About 33 Years, R/o Village Barna, Post Ghodi, Tehsil Rishabdev, District Udaipur, Rajasthan.
49. Shankar Lal Vadera S/o Shri Khatu Lal Vadera, Aged About 29 Years, R/o Village Paliyakheda, Post Makdadev, Tehsil Jhadol, District Udaipur, Rajasthan.
50. Hitesh Chandra Pancholi S/o Shri Bhagwati Lal Pancholi, Aged About 27 Years, R/o Village Barodia, Post Metwala, Tehsil Gadi, District Banswara, Rajasthan.
51. Anil Kumar Joshi S/o Shri Devi Lal Joshi, Aged About 26 Years, R/o Village Limdi, Post Khadagda, Tehsil Sagwada, District Dungarpur, Rajasthan.
52. Sundar Lal S/o Shri Chagan Lal, Aged About 32 Years, Village Kakanwadi, Post Barigama, Tehsil Bagidora, District Banswara, Rajasthan.
53. Dinesh Kumar S/o Shri Shankar Lal Meena, Aged About 28 Years, R/o Village Kherki, Post Katanwada, Tehsil Sarada, District Udaipur, Rajasthan.
54. Dilraj Singh S/o Shri Govind Singh, Aged About 24 Years, R/o V.p. Thikriya, Tehsil Gadi, District Banswara, Rajasthan.
55. Manvendra Singh S/o Laxman Singh Chouhan, Aged About 25 Years, R/o Village Himmat Singh Ka Ghada, Psot Asoda, Tehsil Gadi, District Banswara, Rajasthan.
56. Naresh Chandra Patidar S/o Shri Rajmal Patidar, Aged About 28 Years, R/o Village Oda, Post Kesharpura, Tehsil Gadi, District Banswara, Rajasthan.
57. Ajit Modiya S/o Ram Lal Ji Modiya, Aged About 28 Years, R/o Village Rani, Post Harshawada, Tehsil Kherwada, District Udaipur, Rajasthan.
58. Sohan Kumari D/o Shri Bubu Lal, Aged About 26 Years, R/o Village Daulatpura, Post Jahajpura, Tehsil Chhoti Sharwan, District Banswara, Rajasthan.
59. Pratap Lal S/o Bhaga Ji, Aged About 31 Years, R/o Village Kamlagodi, Post Chiklad, Tehsil Pratapgarh, District Pratapgarh, Rajasthan.





60. Mahipal Panda S/o Shri Kamla Ji, Aged About 26 Years, R/o Village Khootangarat, Post Bhalerlander, Tehsil Anandpuri, District Banswara, Rajasthan.
61. Pravin Singh Jhala S/o Shri Narayan Singh Jhala, Aged About 28 Years, R/o Village Nayagaav, Post Khakhad, Tehsil Jhadol (F), District Udaipur, Rajasthan.
62. Narayan Lal S/o Shri Khatu Lal Parmar, Aged About 30 Years, R/o Village Melniya, Post Oda, Tehsil Jhadol (F), District Udaipur, Rajasthan.
63. Khushboo Sisodiya D/o Kamal Singh Sisodiya, Aged About 26 Years, R/o Village Parda Moru, Post Vageri, Tehsil Sagwada, District Dungarpur, Rajasthan.

-----Petitioners

Versus

1. State Of Rajasthan, Through The Additional Chief Secretary, Department Of Home, Government Of Rajasthan, Jaipur, Rajasthan.
2. The Additional Director General Of Police, Armed Battalion, Jaipur, Rajasthan.
3. The Commandant, Rajasthan Armed Constabulary (Rac), 14Th Battalion Rac, Pahari, Bharatpur, Rajasthan.

-----Respondents

For Petitioner(s)	:	Mr. Manvendra Singh Ms. Saumya Choudhary
For Respondent(s)	:	Mr. Raj Singh Bhati for Mr. Ritu Raj Singh Bhati Mr. Paramvir Singh

HON'BLE MR. JUSTICE FARJAND ALI**Order****Reportable****19/11/2025**

1. The instant writ petition, instituted under Article 226 of the Constitution of India, has been preferred by the petitioners,



assailing the action of the respondents in declining their transfer to the TSP area, notwithstanding the circular dated 10.11.2014 and the office order dated 30.08.2018.

2. Briefly stating the facts of the case are that the petitioners, who are permanent residents of the TSP area, have jointly approached this Court to assail the inaction of the respondents in considering their candidature for transfer to the TSP region, though the grievance arises out of a common cause of action and stems from a common order, thereby warranting a joint writ petition to obviate multiplicity of proceedings.

2.1 An advertisement dated 20.07.2013 was issued for recruitment to 1000 posts of Constable in the Minerals Protection Force, wherein 80 posts were earmarked for the TSP area. The petitioners applied under the TSP category, qualified in the written examination, and were subsequently appointed vide order dated 19.01.2016. However, despite being residents of the Scheduled/TSP area, their appointments were made under the Non-TSP cadre, and since then, they have been serving the department with diligence, their services having been confirmed vide order dated 16.04.2018.

2.2 Prior to their appointment, the State had issued a circular dated 10.11.2014 permitting employees to exercise an option for posting in TSP or Non-TSP regions under the relevant service rules, yet no opportunity was extended to the petitioners to submit such option. Subsequently, pursuant to the Central Government notification dated 19.05.2018 redefining





Scheduled/TSP areas, the State issued circulars dated 16.07.2018 and 30.08.2018 directing that employees who are residents of TSP areas but posted in Non-TSP regions may submit applications seeking transfer. Availing this window, the petitioners duly submitted representations within the stipulated timeframe, which were also forwarded by respondent No.3 to the superior authorities, however, no decision has been communicated till date. Being left remediless despite fulfilling the eligibility criteria and having a legitimate expectation arising out of the statutory circulars, the petitioners have been constrained to invoke the extraordinary jurisdiction of this Court.

3. Learned counsel for the petitioners submitted that the action of the respondents in denying the petitioners transfer to TSP areas, despite their being permanent residents of TSP regions, is arbitrary and violative of Article 14 of the Constitution of India. It is further submitted that similarly situated Constables have been granted the benefit of transfer pursuant to the notification dated 19.05.2018, while the petitioners alone are excluded without any reasonable basis. The classification adopted by the respondents neither has an intelligible differentia nor any rational nexus to the object sought to be achieved. Counsel further asserted that the petitioners have served for long in Non-TSP areas with utmost dedication and were entitled to consideration under the circulars dated 10.11.2014, 16.07.2018 and communication dated 30.08.2018. It is contended that the deliberate non-consideration



of the petitioners claim amounts to discrimination and violation of principles of natural justice.

4. Learned counsel for the respondents filed a reply submitting that the petitioners were validly appointed in Non-TSP areas as per the merit, availability of vacancies, and administrative requirements prevailing at the time of their appointment. It is contended that the option forms issued under the circulars of 2014 and 2018 do not create an absolute right of transfer but are subject to exigencies of service and organizational necessity. The respondents further submit that the notification dated 19.05.2018 merely redefines Scheduled Areas and does not guarantee automatic transfer to all employees residing in TSP regions. It is contended that transfers are a matter of administrative discretion, and due to limited vacancies in the newly notified TSP areas, the petitioners cases could not be considered. It is therefore submitted that no arbitrariness or discrimination can be attributed to the respondents, and the petitioners are not entitled to any mandamus for transfer.

5. To replying to the respondents, the petitioners have submitted a rejoinder stating that the respondents reliance on the constitution of the 14th Battalion RAC is misplaced, as the petitioners had originally applied under the TSP category pursuant to the advertisement dated 20.07.2013 and were entitled to be appointed and posted accordingly. It is submitted that despite availability of TSP postings, including in E-Company and Mewar Bhil Core units deployed exclusively in Scheduled Areas, the



petitioners were arbitrarily posted in Non-TSP regions. The petitioners further assert that the circulars dated 10.11.2014, 16.07.2018 and office order dated 30.08.2018 specifically mandate consideration of TSP-resident employees for transfer, yet no action was taken on their timely applications. It is reiterated that the respondents reply fails to justify the discriminatory exclusion of the petitioners, who remain entitled to transfer to TSP areas in accordance with law.

6. Heard learned counsel appearing on behalf of the parties and perused the material annexed with the writ petition.

7. After having perused the material available on record and hearing learned counsel for the parties, this Court has observed that all the petitioners belong to the TSP area. An advertisement was issued on 20.07.2013 under the nomenclature Constable Mineral Protection Force in Mines and Geology (Direct Recruitment). The said recruitment carried reservation for candidates belonging to the tribal areas. The petitioners participated in this process under that very reservation, were selected, and thereafter stood regularised and made permanent. Subsequently, a standing order no. 18/2015 dated 26.10.2015 came to be passed whereby the cadre initially created for the Department of Mines and Geology was merged into the 14th Battalion, RAC. A Board was constituted and a portal was created wherein the petitioners were included, and all of them came to be placed in Jaipur.



7.1 It is not in dispute that the petitioners belong to tribal communities and hail from notified tribal areas. Their participation in the recruitment was under the legitimate belief that their deployment would also be in the tribal/mineral-rich belts namely Dungarpur, Banswara, Salumbar, Udaipur, and Rajsamand, which are the principal mineral-bearing districts of the State. However, contrary to such expectation, none of them have ever been posted in these regions. It is also admitted by the respondents that although the recruitment was titled as that of the Mineral Protection Force and reservation was extended for TSP area and tribal candidates, in reality not a single employee recruited under this process has been deployed in the Mineral Protection Force. All of them stand permanently absorbed in the 14th Battalion, RAC, and are serving largely on office security duties in places such as Jaipur.

7.2 A legitimate expectation can, without doubt, arise in the mind of a candidate at the time of entering service particularly when an advertisement is structured in a manner that clearly conveys a linkage with tribal/mineral areas that their posting would be in or around the regions for which the recruitment was conceived. The petitioners, belonging to vulnerable tribal communities, deserved at least a measure of sympathetic consideration. The State cannot extend an attractive promise at the stage of recruitment and later altogether depart from it without any rational justification.



8. Accordingly, to balance equities and to ensure that the petitioners are not left remediless, the respondents are directed to consider shifting all the petitioners to the Maharana Pratap Battalion, Pratapgarh. Further, in case of administrative exigencies, they shall be suitably adjusted, transferred, deployed, or temporarily lodged in any district falling within the TSP area, as may be required from time to time.

9. The writ petition stands disposed of in the above terms.

10. No order as to costs.

(FARJAND ALI),J

152-Mamta/-