RAJASTHAN HIGH COURT

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

Judgment reserved on : 30/10/2026

Judgment delivered on : 5/11/2026

Judgment (full) uploaded on : 5/11/2026

Rajasthan High Court
सत्यमेव जयते
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D.B. Special Appeal Writ No. 1237/2026

CNR: RJHC020980352026 | URN: SAW / 2453U / 2026

1. Tejram S/o Shri Sumer Singh, Aged About 44 Years, Resident Of Doonwas, Tehsil Mundawar, District Alwar
2. Yogendra Singh S/o Shri Birbal Singh, Aged About 44 Years, Resident Of Village Ladsar, Tehsil Mandawa, District Jhunjhunu
3. Bhagat Singh S/o Shri Munshi Ram, Aged About 42 Years, Resident Of Village Post Unch, Tehsil Nadbai, District Bharatpur

----Appellants

Versus

1. State Of Rajasthan, Through The Additional Chief Secretary, Home Department, Government Secretariat, Jaipur.
2. The Director General Of Police, Police Headquarter, Behind Nehru Place, Lal Kothi, Jaipur
3. The Additional Director General Of Police, (Recruitment And Promotion), Police Headquarter, Behind Nehru Place, Lal Kothi Jaipur
4. The Commissioner Of Police, Jaipur Metropolitan, Jaipur
5. The Deputy Commissioner Of Police, Headquarter Jaipur Commissionerate, Opp. Government Hostel, M.i. Road, Jaipur.
6. Nafe Singh S/o Shri Yadram, Aged About 47 Years, R/o Village Nawta, Police Station, Pacheribadi, Districtjhunjhunu (Rajasthan). Constable Belt No. 6038.
7. Shakeel Khan S/o Shri Sageer Khan, Aged About 47 Years, R/o Plot No. 26, Tatra-Awasiya Yojana, Amer(Rajasthan). Constable Belt No. 2650.

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8. Lahri Ram S/o Bhebla Ram, Aged About 52 Years, R/ovillage Post Thetla Ki Dhani The. Narayan Pur, Districtkotputli, Behrod (Rajasthan). Head Constable Belt No.835

9. Rajendra Singh S/o Fool Chand, Aged About 51 Years, R/ovillage Post, Pachalangi, Tehsil Udaipurwati, Jhunjhunu(Rajasthan). Head Constable Belt No. 837.

10. Sughar Singh S/o Prabhati Ram, Aged About 53 Years, R/o Village Post Chokipura,, Thana Kumher, District Deeg,rajasthan. Head Constable Belt No. 718.

11. Rati Ram, S/o Mool Chand, Aged About 52 Years, R/ovillage Post Kailai, Thana Sikandra, District Dausa,rajasthan. Head Constable Belt No. 919.

12. Arjun Lal S/o Shri Mool Chand Meena, R/o Village Post Ikhki Singhpura, Tehsil Jamwaramgarh, (Rajasthan).head Constable Belt No. 808. District-Jaipur

13. Budh Ram S/o Prabhat Ram, Aged About 51 Years, R/o Plot No 16 Green Viharcharannadimurlipurajaipur(Rajasthan). Head Constable Belt No. 853.

14. Rajendra Prasad S/o Ram Niwas Sharma, Aged About 52 Years, R/o Village Post Agwana Khurd, Tehsil Surajgarh,districtjhunjunu, (Rajasthan). Head Constable Belt No.929.

15. Ajeet Singh S/o Banwari Lal, Aged About 52 Years, R/oplot No 110 Sindhy Colony, Banipark Jaipur (Rajasthan).head Constable Belt No. 768.

16. Rampal Singh S/o Prabhu Singh, Aged About 52 Years, R/o Village Post Sarund, Thana Sarund, District Kotputli,benrod (Rajasthan). Head Constable Belt No. 649.

17. Ranjeet Singh S/o Bhanwar Singh, Aged About 51 Years, R/o Plot No 38 D Govind Nagar, Gokulpura, Kalwar. Jaipur(Rajasthan). Head Constable Belt No. 924.

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18. Nand Kishore S/o Sugan Lal, Aged About 50 Years, R/ovillage Post Singod Kala, District Jaipur (Rajasthan). Headconstable Belt No. 922.

19. Kailash Chand S/o Laxmi Narayan, Aged About 52 Years, R/o Plet No 44 Aanandviharvistarnagaljaisabohrakardhani Jaipur (Rajasthan). Head Constable Belt No.555.

20. Surajbhan S/o Ram Khiladi, Aged About 54 Years, R/ovillage Post Kuttimsabdam, District Alwar (Rajasthan).head Constable Belt No. 809.

21. Pradeep Singh S/o Shankar Singh, Aged About 51 Years, R/o 70A Om Nagar, Khirnifathak, Safed Mandir,khatipura, Jaipur (Rajasthan). Head Constable Belt No.914.

22. Pharlad Narayan S/o Prabhudayal Sharma, Aged About 53 Years, R/o 39 Asiyaram Nagar Budhsinghpurapratapnagarsanganer Jaipur (Rajasthan). Head Constable Beltno. 918.

23. Kamlesh Kumar Sharma S/o Ram Prasad Sharma, Aged About 52 Years, R/o Village Post Jhinpiya, Tehsil Bhinay,district Ajmer (Rajasthan). Head Constable Belt No. 1188.

24. Badri Narayan S/o Sunda Ram, Aged About 53 Years, R/ovillage Post Holya Ka Bass, Tehsil Shree Madhopurdistrictsikar (Rajasthan). Head Constable Belt No. 1030.

25. Sita Ram S/o Shri Todaram, Aged About 32 Years, R/ovillage Post Puniyana, Post Dolasri, Datramgarh (Sikar)(Rajasthan). Assistant Sub-Inspector.

26. Devendra Singh Jadaun S/o Shri Gopal Singh, Aged About 44 Years, Resident Of Mukam Post Bada Pichanota, Tehsil Nandauti, District Karauli

27. Dinesh Kumar Sharma S/o Shri Krishanhari Sharma, Aged About 44 Years, Resident Of Plot No. 14, Balnath Nagar, Dadi Ka Phatak, Jhotwara, Jaipur

28. Hariram S/o Babu Lal, Aged About 48 Years, Resident Of

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Plot No. 85, Hanumantvihar, Mangiwas, Mansarovar, Jaipur

29. Hanucharan S/o Shri Hari Narayan, Aged About 44 Years, Resident Of Village Dangarwara, Post Andhi, Tehsil Jamwaramgarh, Distjaipur

30. Kishan Singh S/o Shri Jagroop, Aged About 44 Years, Resident Of Village Bhopur, Raipur, Post Gehnathi, Tehsil Mahuwa, Dausa

31. Mahaveer Prasad S/o Shri Seduram Yadav, Aged About 45 Years, Resident Of Village Nawalpura, Post Manoharpur, Tehsil Shahpura, District Jaipur

32. Radheyshyam S/o Shri Girdharilal, Aged About 47 Years, Resident Of B.no. 6297, Nangal Kala, Tehsil Chomu, District Jaipur

33. Mangal Singh S/o Shri Murli Dhar, Aged About 45 Years, Resident Of Village Patwari Ka Bass, Tehsil Shri Madhopur, District Sikar

34. Dashrath Singh S/o Shri Birbal Ram Jat, Aged About 45 Years, Resident Of Village Roopa Ka Bass, Post Chipdoli, Tehsil Khetri, District Jhunjhunu

35. Sunil Kumar S/o Shri Phool Ram, Aged About 45 Years, Resident Of Village Roopa Ka Bass, Post Chochdoli, Tehsil Khetri, District Jhunjhunu

36. Hukam Singh S/o Shri Pooran Singh, Aged About 45 Years, Resident Of Barakhur, District Bharatpur

37. Shivdayal Meena S/o Shri Munshi Lal Meena, Aged About 44 Years, Resident Of Plot No. 12, Ahinsa Nagar, Sumer Road, Puranichungi, Agra Road, Jaipur

38. Kailash Chandra Kumawat S/o Shri Jay Narayan Kumawat, Aged About 46 Years, Resident Of House No. 07, Bhagwan Nagar-11, Mangalbela, Sikar Road, Jaipur

39. Ram Lal S/o Shri Gopi Ram Yadav, Aged About 46 Years, Resident Of Village Kalyanpura, Via. Amarsar, Tehsil Shahpura, Jaipur

40. Laxmi Chand Meena S/o Shri Gajvi Meena, Resident Of

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Village Post Jodeli, Tehsil Sapotra, District Karauli

41. Naresh Kumar S/o Shri Ramanand Yadav, Aged About 46 Years, Resident Of Village Nangliya, Post Jaguwas, Tehsil Behror, District Alwar
42. Rameshwar Prasad S/o Shri Raghunath, Aged About 50 Years, Resident Of Village Post Chhareda, Tehsil Nangal, District Dausa
43. Padam Chand Raigar S/o Shri Nandaram, Aged About 50 Years, Resident Of Markhya Police Station Chaksu, District Jaipur
44. Dilsukh Yadav S/o Shri Somran Yadav, Aged About 52 Years, Resident Of Village Siryani, Tehsil Behror, District Alwar
45. Madan Lal S/o Shri Kajor Mal, Aged About 42 Years, Resident Of Ward No. 19, Ghosalya Road, Shri Madhopur, District Sikar
46. Munish Singh S/o Shri Mahveer Singh, Aged About 44 Years, Resident Of Village Mithadikesari Singh, P.s. Rajgarh, Churu At Present 103A, Shanti Nagar, Niwaru Road, Jhotwara, Jaipur
47. Mahendra K. Bijarniya S/o Shri Gheesa Ram Bijarniya, Aged About 38 Years, Resident Of Vpo Patwari Ka Bass, Via Shrimadhopur, Sikar
48. Suresh Kumar S/o Shri Shyam Lal, Aged About 44 Years, Resident Of Village Ranjotpura, Post Govindgarh, Tehsil Chomu, District Jaipur
49. Ramnarayan S/o Shri Ramu Ram, Aged About 43 Years, Resident Of Village Bhagatpura, Tehsil Jobner, District Jaipur
50. Jagdish S/o Shri Lakha Ram, Aged About 40 Years, Resident Of Village Khejdabas, Post Jobner, Tehsil Jobner, Jaipur
51. Pukhraj S/o Shri Pannaram, Aged About 36 Years, Resident Of Vpo Thakari, Tehsil Raisingh Nagar, District Shri Ganganagar
52. Sewa Ram S/o Shri Bhura Ram, Aged About 43 Years, Resident Of Vpo Batliya, Tehsil Nawa District Nagaur

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53. Sunil Singh Tanwar S/o Shri Sohan Singh Tanwar, Aged About 43 Years, Resident Of Vpo Sarud Thana, Saraund, Kotputli, Jaipur
54. Jamshed Khan S/o Shri Jamalu Khan, Aged About 45 Years, Resident Of Vpo Untwal, Tehsil Ramgarh, District Alwar
55. Maharaj Singh S/o Shri Ninnu Ram, Aged About 50 Years, Resident Of Village Guhawali, Tehsil Kumher, District Bharatpur
56. Shiv Charan S/o Shri Kanni Ram, Aged About 46 Years, Resident Of Vpo Guhana, Tehsil Deeg, District Bharatpur
57. Poonam Choudhary S/o Shri Sandeep Kumar, Aged About 43 Years, Resident Of M3A, Shiv Marg, Sanjay Colony, Shastri Nagar, Jaipur
58. Sunil Kumar S/o Shri Jagdish Prasad, Aged About 45 Years, Resident Of Jagdamba Machinery Store, Nagar, District Bharatpur
59. Dharm Veer Sharma S/o Shri Dev Karan Sharma, Aged About 44 Years, Resident Of Vpo Makkasar, Tehsil And District Hanumangarh
60. Hanumant Singh Rathore S/o Shri Nand Singh Rathore, Aged About 43 Years, Resident Of C-106, Parivahan Nagar, Khatipura, Jaipur
61. Kailash Chand Sharma S/o Shri Chhitar Mal Sharma, Aged About 43 Years, Resident Of Kaladera, District Jaipur
62. Rakesh Kumar S/o Shri Dharam Chand, Aged About 44 Years, Resident Of Village Jatbehrod, Tehsil Mundawar, District Alwar
63. Lalita Chawala W/o Shri Hari Sharan Parewa, Aged About 36 Years, Resident Of Plot No. 175, Railway Station Ke Pass, Baswa, District Dausa
64. Mohan Lal Gurjar S/o Shri Narayan, Aged About 43 Years, Resident Of Village Chaumukha, Post Tehsil Jamwa Ramgarh, District Jaipur Gramin, Jaipur
65. Ashok S/o Shri Ram Kishore Meena, Aged About 45 Years, Resident Of Sekhawatiyon Ki Dhani, Post Newar, Jamwaramgarh, Jaipur

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66. Hari Kishan Meena S/o Shri Kaluram Meena, Aged About 46 Years, Resident Of Village Kakrail, Post Khura Meena, Tehsil Amer, Jaipur
67. Govind Singh S/o Shri Mool Chand, Aged About 42 Years, Resident Of Village Post Kailai, Via Dubbi, Tehsil Sikrai, District Dausa
68. Hardayalgurjar S/o Shri Ganga Sahaigurjar, Aged About 42 Years, Resident Of Nangal Govind, Thana Sadar, Dausa
69. Ramniwas S/o Shri Suwa Lal, Aged About 40 Years, Resident Of J-13, Ram Marg, Sodala, Jaipur
70. Shyam Singh S/o Shri Ram Pal, Aged About 41 Years, Resident Of J-13, Ram Marg, Shyam Nagar, Sodala, Jaipur
71. Hari Narayan S/o Shri Rampal, Aged About 41 Years, Resident Of J-13, Ram Marg, Shyam Nagar, Sodala, Jaipur
72. Rajendra Singh S/o Shri Vijay Singh, Aged About 42 Years, Resident Of Plot No. 2, Shivpur, Jhotwara, Jaipur
73. Ramavatar Bohra S/o Shri Ladu Ram Bohra, Aged About 45 Years, Resident Of A-7, Shiv S
agar Colony, Sirsi Road, Nadiya, Jaipur
74. Hanuman Singh S/o Shri Amar Singh, Aged About 39 Years, Resident Of Quarter No. I-4, Block -7, Darbar School, Police Quarters, Jalupura, Jaipur
75. Ghanshyam S/o Shri Harlal, Aged About 47 Years, Resident Of Mukam Post Gathwadi, Tehsil Jamwaramgarh, District Jaipur At Present A-37, Mitra Vihar, Maharana Pratapmarg, Vaishali Nagar, Jaipur

----Respondents

For Appellant(s)	:	Mr. RN Mathur, Sr. Adv. assisted by Mr. Himanshu Jain
For Respondent(s)	:	Mr. Bhuvnesh Sharma, AAG with Mr. Vishnu Dutt Sharma

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DIVISION BENCH

HON'BLE THE CHIEF JUSTICE MR. SANJAY K. AGRAWAL
HON'BLE MR. JUSTICE SAMEER JAIN

C.A.V. Judgment

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1. The present appeal has been preferred assailing the impugned judgment dated 30.09.2026 passed in SBCWP No. 6096/2023 (Tejram & Ors. Vs. State of Rajasthan & Ors.), whereby the writ petition filed by the petitioners-appellants has been dismissed. The appellants-petitioners, by way of writ petition, have approached the Court assailing the orders dated 27.03.2023 and 06.04.2023, relating to determination of vacancies and promotion from the post of Constable to Head Constable for the year 2013-14. The principal grievance of the appellants is that the respondents have failed to correctly determine the number of vacancies available for promotion for the said year and, according to the appellants, have thereby deprived them and other eligible Constables of their rightful consideration for promotion.

2. Learned counsel for the appellants submitted that the learned Single Bench had erred in dismissing the writ petition despite recording the illegality committed by the respondent-authorities in determining the promotional vacancies for the post of Head Constable. It was contended that the respondents had failed to undertake the determination of vacancies in strict conformity with Rule 10(2) of the Rajasthan Police Subordinate Service Rules, 1989, which mandates year-wise determination and filling up of promotional vacancies, with unfilled vacancies being carried forward to the subsequent years. Learned counsel further submitted that the 425 vacancies advertised vide notification dated 17.01.2018, pursuant to which the examination was scheduled to be conducted on 28.01.2018, had not been

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determined in accordance with the statutory mandate. It was argued that the excess number of persons accommodated in a particular year could not be justified by subsequently sanctioning shadow posts, as such an exercise would not cure the illegality in the original determination of vacancies. The appellants assailed the impugned judgment dated 30.09.2026 on the ground that the learned Single Bench, while acknowledging the discrepancy, had erroneously accepted the revised determination undertaken by the respondents as a corrective exercise pursuant to judicial directions. It was further contended that the reliance placed upon the judgment of the Hon'ble Supreme Court in **Divisional Manager, Aravali Golf Club & Anr. v. Chander Hass & Anr.**[1], was misplaced, inasmuch as judicial restraint in matters of administrative discretion could not be invoked to shield an exercise undertaken in contravention of the statutory rules. Accordingly, it was prayed that the impugned judgment be set aside, the writ petition be allowed, and appropriate directions be issued for determination of promotional vacancies strictly in accordance with the applicable statutory rules.

3. *Per contra*, learned Additional Advocate General appearing for the respondents-State submitted that the High-Level Committee had undertaken a comprehensive and fresh year-wise determination of promotional vacancies after due consideration of the sanctioned strength, working strength, roster position, earlier promotions, qualifying examinations, retirements, newly created posts and other relevant departmental records, and had not

1 (2008) 1 SCC 683

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mechanically adopted the figures asserted by the petitioners. It was contended that for the year 2013-2014, the Committee had determined only 429 vacancies, as against 802 vacancies claimed by the petitioners. Learned counsel further submitted that the petitioners had erroneously construed the figures reflected in the RTI information as clear promotional vacancies, without accounting for posts already occupied, personnel selected for subsequent promotional posts but continuing on feeder posts, excess promotees from previous years, roster requirements and adjustments arising out of earlier selections. It was emphasized that the RTI information did not portray the correct vacancy position in accordance with the statutory scheme of the Rajasthan Police Subordinate Service Rules, 1989.

4. Learned Additional Advocate General further submitted that the order dated 27.03.2023 had been stayed by the learned Single Judge vide order dated 19.04.2023 and was not implemented in the manner alleged by the petitioners. Subsequently, the Department undertook a corrective exercise by creating supernumerary/shadow posts, constituting a Review Board and issuing the revised selection list dated 04.05.2024. It was submitted that the learned Single Judge, vide orders dated 31.07.2025 and 01.08.2025, had taken cognizance of the revised selection exercise, permitted the affected promotees to be impleaded, vacated the interim stay, as granted in the petition, in view of the changed circumstances and directed that posts equivalent to the number of petitioners be kept vacant, while

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permitting the State Government to create additional supernumerary posts, if necessary, to remove any anomaly.

5. It was further contended that for the year 2013-2014, against the 429 vacancies determined by the High-Level Committee, 445 Constables had ultimately been accommodated/promoted upon sanction of 18 additional shadow posts, thereby rendering the petitioners' assertion regarding 376 unfilled vacancies factually unsustainable. Learned Additional Advocate General also drew the attention of the Court to the subsequent affidavit, wherein it was demonstrated that against the sanctioned strength of 1090 Head Constable posts, 1069 posts stood occupied/accommodated, leaving merely 21 vacancies. It was argued that the petitioners could not claim an additional 376 promotions without establishing the existence of corresponding clear vacancies under the applicable statutory rules.

6. Learned Additional Advocate General further submitted that creation of supernumerary posts was not an enforceable right vested in the petitioners, as the judgment dated 27.09.2022 had merely permitted the State Government to create such posts in the event of any difficulty. The State, in exercise of the aforesaid liberty and pursuant to subsequent judicial directions, had undertaken the requisite exercise to protect the promotions and seniority of the personnel already selected and to sanction additional shadow posts wherever necessary. It was, therefore, contended that the petitioners had failed to establish any specific violation of the Rules of 1989 in the revised determination of vacancies or any individual entitlement to promotion against a

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particular vacancy. Accordingly, learned Additional Advocate General prayed for dismissal of the writ petitions.

7. We have considered the rival submissions advanced by learned counsel for the appellants and learned Additional Advocate General appearing on behalf of the respondents-State, and have assiduously perused the material available on record. The controversy, in essence, revolves around the determination of year-wise promotional vacancies for the post of Head Constable for the recruitment year 2013-2014, the correctness of the revised exercise undertaken by the respondent-State pursuant to the directions issued by this Court, and the consequential claim of the appellants for promotion against the alleged unfilled vacancies.

8. At the outset, it is apposite to observe that the right of an employee to be considered for promotion in accordance with the applicable service rules is undoubtedly a valuable and legally protected right. However, such right cannot be construed as conferring an indefeasible entitlement to promotion against a particular number of vacancies merely on the basis of a calculation independently undertaken by the employee or on the strength of figures reflected in an RTI response. The determination of promotional vacancies is required to be undertaken in accordance with the governing statutory rules, the sanctioned cadre strength, the roster requirements and the relevant service records. Consequently, the mere assertion of availability of vacancies, without establishing that the same constituted clear and legally available promotional vacancies for the relevant year, cannot form the foundation for granting a mandamus directing promotion.

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9. In the present case, the appellants appear to have proceeded on the premise that the figures reflected in the RTI information necessarily represented clear vacancies available for promotion during the year 2013-2014. Such an approach, in the considered opinion of ours, does not take into account the comprehensive exercise required for determining the actual vacancy position. The respondent-State has specifically demonstrated that the determination of vacancies involved consideration of the sanctioned strength and working strength of the cadre, roster position, earlier promotions, qualifying examinations, retirements, newly created posts, personnel already selected for subsequent promotional posts but continuing on feeder posts, excess promotees from preceding years and adjustments arising out of earlier selections. These factors are not merely incidental or peripheral; rather, they constitute relevant considerations in arriving at the actual and legally sustainable vacancy position.

10. This Court finds substance in the contention advanced by learned Additional Advocate General that the High-Level Committee did not mechanically adopt the figures projected by the appellants, but undertook a fresh and year-wise determination after examining the relevant departmental records. The Committee determined 429 vacancies for the year 2013-2014, as against 802 vacancies claimed by the appellants. The distinction between a vacancy reflected in an administrative statement and a clear promotional vacancy available for consideration under the statutory rules assumes significance. Unless the appellants are

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able to demonstrate that the determination undertaken by the Committee suffers from arbitrariness, exclusion of relevant considerations, inclusion of irrelevant considerations or a demonstrable violation of the applicable service rules, this Court would not be justified in substituting the appellants' own calculation for the determination undertaken by the competent authorities. During the pendency of the petition before the Court, there have been umpteen number of subsequent developments, which demonstrate that the respondent-State did not remain oblivious to the grievance raised by the appellants. Rather, a corrective exercise was undertaken and the resultant selection list was revised, while the rights of the appellants were also protected through interim directions of this Court. The appellants, therefore, cannot disregard the revised exercise and continue to assert their claim solely on the basis of the earlier vacancy calculation, particularly when the subsequent administrative action has been undertaken in the backdrop of judicial scrutiny and directions.

11. The contention that only 425 candidates were promoted and that 376 vacancies consequently remained unfilled also does not inspire confidence. The respondents have specifically submitted that 429 vacancies were determined for the relevant year and 445 Constables were ultimately accommodated/ promoted after sanction of 18 additional shadow posts. Thus, the numerical premise upon which the appellants have founded their claim stands materially altered by the subsequent exercise. In such circumstances, the claim for an additional 376 promotions cannot be accepted merely on the basis of a mathematical computation

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divorced from the actual cadre position and the statutory process of vacancy determination.

12. It is a settled principle that the creation of supernumerary posts is an administrative measure intended to address exigencies and remove anomalies in appropriate circumstances. Such creation does not, by itself, confer an automatic or enforceable right upon every employee to claim promotion against such posts. The judgment dated 27.09.2022, as noticed by the respondents, merely permitted the State Government to create supernumerary posts in the event of any difficulty. The liberty so granted cannot be construed as a mandatory direction to create posts in favour of each appellant or to accommodate the appellants against a number of vacancies which have not been established to exist in accordance with the applicable rules.

13. We are conscious of the settled position that judicial review in service matters is directed towards examining the legality, fairness and procedural propriety of the decision-making process, and not to undertake a fresh determination of cadre strength or promotional vacancies in substitution of the competent administrative authority. The Court cannot assume the role of a cadre-management authority or direct the creation of posts merely to satisfy an asserted numerical claim. The jurisdiction of this Court is undoubtedly available where the administrative determination is shown to be arbitrary, discriminatory, contrary to statutory provisions or vitiated by mala fides; however, in the absence of any such demonstrable infirmity, interference would not be warranted. In the present case, the appellants have failed

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to establish that the revised determination of vacancies undertaken by the High-Level Committee is contrary to the Rajasthan Police Subordinate Service Rules, 1989, or that any specific vacancy legally available for promotion during the year 2013-2014 has been deliberately or unlawfully withheld from consideration. No cogent material has been placed before this Court to demonstrate that the revised selection exercise suffers from any patent illegality or that the appellants have been subjected to hostile discrimination vis-a-vis similarly situated personnel. The grievance, therefore, remains founded substantially upon the appellants' own interpretation of the vacancy figures, which cannot, in the absence of supporting statutory and factual material, be accepted as determinative of their entitlement.

14. It is also pertinent to observe that while the right to be considered for promotion is protected under the applicable service jurisprudence, the same must necessarily be exercised within the framework of the statutory rules and the available vacancies duly determined by the competent authority. The Court cannot direct promotions in excess of the vacancies legally determined, nor can it compel the State to create additional posts as a matter of course. Such a direction, if issued without a demonstrated statutory entitlement, would amount to judicially restructuring the cadre and encroaching upon the domain of executive administration.

15. In view of the foregoing discussion, and in view of the ratio encapsulated in **Divisional Manager, Aravali Golf Club and**

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Anr. (supra)**, State of Gujarat Vs. R.J. Pathan and ors.**[2]**, Sudhir Vasudeva, Chairman and MD, ONGC And Ors. Vs. M. George Ravishekharan and ors.**[3] and **Ravikumar Dhansukhal Maheta Vs. High Court of Gujarat and ors.**[4], this Court is of the considered opinion that the revised exercise undertaken by the respondent-State, coupled with the subsequent judicial directions safeguarding the interests of the appellants, adequately addresses the grievance raised. The appellants have failed to make out a case warranting interference with the impugned judgment. The impugned judgment, therefore, does not suffer from any illegality, perversity or jurisdictional error calling for appellate interference.

16. Accordingly, the present appeal is **dismissed**. There shall be no order as to costs. Pending applications, if any, shall stand disposed.

(SAMEER JAIN),J (SANJAY K. AGRAWAL),CJ

Crt_1/S-A/59/Preeti Asopa

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2 Civil Appeal No.1951/2022

3 Civil Appeal No. 1816/2014

4 W.P. (C) No. 432/2023

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