



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



D.B. Special Appeal Writ No. 821/2021

Sudhir Sharma Son Of Mr. Bajrang Lal Sharma, Aged About 36 Years, 20, Mayur Vihar Jagatpura, Malviya Nagar, Jaipur (Rajasthan)

----Appellant

Versus

1. The Chief Secretary, The State Government Of Rajasthan The State Secretariat, Jan Path, Jaipur 302005 (Rajasthan)
2. The Jaipur Vidyut Vitran Nigam Limited, Through Its Managing Director Vidyut Bhawan, Jyoti Nagar Jaipur 302005 (Rajasthan)
3. Chief Personnel Officer, The Jaipur Vidyut Vitran Nigam Limited Vidyut Bhawan Jan Path, Jaipur 302005 (Rajasthan)
4. Archana Vyas, Commercial Assistant II Posted And Working At The Jaipur Vidyut Vitran Nigam Limited Vidyut Bhawan Jan Path, Jaipur 302005 (Rajasthan) Resident Of Plot 19, Mahesh Colony II, Behind Power House, Jagatpura, Jaipur 302017 (Rajasthan)

----Respondents

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For Appellant(s) : Mr. Hans Kumar Sharma

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**HON'BLE THE CHIEF JUSTICE MR. PANKAJ MITHAL  
HON'BLE MRS. JUSTICE SHUBHA MEHTA**

**Order**

**02/01/2023**

1. Heard learned counsel for the petitioner-appellant.
2. The petitioner-appellant has preferred this appeal against the judgment and order dated 22.02.2021, by which the learned Single Judge has dismissed his writ petition.
3. The respondent No.4, the wife of the petitioner-appellant was appointed as a Commercial Assistant Grade-II. The petitioner-



appellant challenged her appointment on the ground that she obtained the said appointment on the basis of a decree of divorce which had not attained finality inasmuch as the appeal against the same was pending.

4. It is apparent that the relations of the petitioner-appellant with his wife respondent No.4 were not cordial and therefore they took divorce.

5. We do not find that the rules provide for any divorcee quota, rather the terms and conditions of the appointment only stipulate that if a person is a divorcee, he or she has to produce the decree or certificate of divorce at the time of appointment/joining. The respondent No.4 had a decree of Civil Court dated 23.01.2020 granting her divorce and she had produced the said decree at the time of her appointment and joining, may be said decree was under appeal.

6. It goes without saying that mere filing of an appeal does not wipe of the effect of decree of divorce or make the said decree redundant. The divorce decree, as produced by the respondent No.4, existed on the relevant date. Therefore, she was rightly permitted joining on its basis.

7. Moreover, the petitioner-appellant was not entitle for any indulgence by the Writ Court as he had not approached the Writ Court with clean intentions but to harass his wife with whom his relations were not cordial.

8. In view of the above, we do not find any merit in this appeal and the same is dismissed.

(SHUBHA MEHTA),J

(PANKAJ MITHAL),CJ

KAMLESH KUMAR/RAJAT/1