



MAJESTY LEGAL

Advocates & Solicitors

RSEB'S ORDER DISCRIMINATING AGAINST MEN WAS SET ASIDE- RHC

(ASHISH ARORA vs. RSEB¹)

The Rajasthan High Court quashed an impugned order dated 17.10.1996 issued by RSEB² that provided for appointment of only female candidates as Lower Division Clerk (hereinafter referred as “LDC”) under a compassionate scheme.

HON;BLE COURT HELD AS UNDER:

- In the abovementioned case, the petitioners had requisite qualification for the appointment on the post of LDC. However, they were given appointment on the post of Helper Gr. I on the basis of the order dated 17.10.1996 while the female candidates were given appointment on the post of LDC.
- The Hon'ble High Court considered the judgment of the Hon'ble Apex Court in *Air India Cabin Crew Assn. v. Yeshaswinee Merchant*³ and *National Legal Services Authority v. Union of India*⁴ wherein it was held that gender identity is an integral part of sex within the meaning of Articles 15⁵ and 16⁶ of the Constitution of India and no citizen can be discriminated solely on the ground of gender. Additionally, the Hon'ble High Court held that in the present case the appointment on the post of LDC is based solely on gender discrimination and directed RSEB to count the services of petitioners on the post of LDC with effect from their initial appointment and grant them all consequential benefits within a period of three weeks.

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¹ S.B. Civil Writ Petition No. 4178/1998 & 3349/2004 – decided on dated 26-04-2023

² Rajasthan State Electricity Board

³ (2003) 6 SCC 277

⁴ (2014) 5 SCC 438

⁵ Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth.

⁶ Equality of opportunity in matters of public employment.

⁷ Majesty legal is a LAW FIRM established in 2013 by Ms. Mahi Yadav. Objective of this legal update is to provide insights on law, statutes and is personal in nature, not to be deemed as legal advice.