

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

S.B. Civil Writ Petition No. 1563/2024

Dr. Narendra Singh S/o Shri Asoo Singh Shekhawat, Aged About 37 Years, H.no. 402, Kailashpuri, Bikaner, Rajasthan. (Hall Veterinary Officer At Veterinary Hospital Swaroopdesar, District Bikaner, Rajasthan.

----Petitioner

Versus

1. State Of Rajasthan, Through The Principal Secretary, Department Of Animal Husbandry, Government Of Rajasthan Secretariat, Jaipur, Rajasthan.
2. The Principal Secretary, Department Of Personnel (Gr-Ii), Government Of Rajasthan, State Secretariat, Jaipur.
3. The Joint Secretary, Department Of Animal Husbandry Government Of Rajasthan.
4. The Director, Department Of Animal Husbandry, Rajasthan, Jaipur.
5. The Rajasthan Public Service Commission, Ajmer, Through Its Secretary.

----Respondents

For Petitioner(s)	:	Mr. S.P. Sharma
For Respondent(s)	:	Ms. Rakhi Choudhary for Mr. I.R. Choudhary, AAG

HON'BLE MR. JUSTICE FARJAND ALI

Order

28/03/2026

1. By way of the present writ petition, the petitioner has prayed for quashing of the impugned termination order dated 29.09.2023 and the consequential order treating his reappointment as fresh on probation with reduced pay. He further seek directions for grant of continuity of service by counting is past service rendered on urgent temporary basis under Rule 26 of the Rajasthan Animal

Husbandry Service Rules, 1963, along with protection of pay under Rule 31 of the Rajasthan Service Rules, 1951, and all consequential benefits including seniority.

2. The petitioner is a qualified Veterinary Doctor possessing a B.V.Sc. & A.H. degree from a recognized institution and is duly registered with the Rajasthan State Veterinary Council, Jaipur, thereby being fully eligible for appointment to the post of Veterinary Officer.

3. Pursuant to advertisements dated 14.03.2013 and 25.06.2013, the respondent Department initiated recruitment on urgent temporary basis under Rule 26 of the Rules of 1963. The petitioner, having undergone due selection through a duly constituted Selection Committee, came to be appointed vide order dated 19.09.2013 against a sanctioned and vacant post and discharged his duties continuously for a considerable period.

4. Simultaneously, regular recruitment for the said posts was undertaken by the RPSC vide advertisement dated 13.05.2013 (as amended), in which the petitioner participated and was placed in the reserve list upon declaration of result dated 16.07.2016. However, prior thereto, the services of the petitioner were terminated vide order dated 30.06.2016, which was successfully challenged before this Hon'ble Court. Despite directions to fill up remaining posts from the reserve list, the respondents failed to comply, resulting in prolonged litigation, including contempt proceedings and intervention by the Hon'ble Supreme Court.

5. Ultimately, pursuant to judicial directions, the petitioner was offered appointment vide order dated 06.12.2023. However, prior to such reappointment, the respondents issued the impugned termination order dated 29.09.2023 without assigning any reasons and in violation of principles of natural justice, thereby depriving him of nearly ten years of continuous service rendered on the same post. Further, while granting appointment, he was treated as a fresh appointee on probation with reduced pay, without extending the benefit of past service or pay protection.

6. I have heard the counsel for the parties and gone through the material as made available to this Court

7. The controversy involved in the present case is no longer res integra and stands squarely covered by the judgments of the Division Bench of this Court in ***State of Rajasthan & Ors. vs. Dr. Dinesh Kumar Soni and State of Rajasthan & Ors. vs. Dr. Paritosh Ujjwal & Ors.,*** wherein it has been held that where appointments are made against sanctioned posts after following due selection procedure, even if termed as temporary or ad-hoc, the services so rendered are liable to be counted for continuity along with all consequential benefits. The said principle stands further fortified by the judgment of the Hon'ble Supreme Court in ***Jaggo v. Union of India & Ors. (2024) SCC Online SC 3836.***

8. In the present case, no distinguishing feature has been pointed out by the respondents. The record clearly reflects that the petitioner was appointed against a sanctioned post after due selection and discharged duties identical to that of a regular

appointee. The action of the respondents in terminating his services and thereafter treating him as a fresh appointee with reduced pay, ignoring long years of service, is arbitrary, unjust and unsustainable in law.

9. In light of the aforesaid judgments and their applicability to the facts of the present case, the writ petition is hereby allowed. The impugned order dated 29.09.2023 is quashed and set aside. The respondents are directed to treat the services rendered by the petitioner from the date of his initial appointment as continuous for all purposes, to grant protection of pay, and to extend all consequential benefits including seniority, increments and proper fixation of pay, in accordance with law.

10. Compliance of this order shall be ensured within a period of eight weeks from the date of receipt of a certified copy of this order.

11. The stay petition and all pending applications, if any, stand disposed of.

(FARJAND ALI),J