



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

D.B. Civil Writ Petition No. 4156/2025

Rameshwar Singh S/o Shri Ganesh Singh, Aged About 63 Years,
R/o Purbiyon Ka Bas, Ummaid Chowk, Jodhpur (Rajasthan)
(Retired As Lab Attendant From Kv No. 2 Army, Jodhpur)

-----Petitioner

Versus

1. Kendriya Vidhyalaya Sangthan (Kvs), 18-Institutional Area, Shaheed Jeet Singh Marg, New Delhi 110602. Through Its Commissioner
2. Joint Commissioner, Kendriya Vidhyalaya Sangthan (Kvs), 18-Institutional Area, Shaheed Jeet Singh Marg, New Delhi 110602.
3. Assistant Commissioner, Kendriya Vidhyalaya Sangthan, Regional Office, 92 Gandhi Nagar Marg, Bajaj Nagar, Jaipur-302015 (Rajasthan)
4. Principal, K.v. No. 2, Army, Jodhpur (Raj.) Pin 342001

-----Respondents

Connected With

D.B. Civil Writ Petition No. 19444/2024

D.k. Bohra S/o Late Shri Gori Shankar Ji Bohra, Aged About 62 Years, R/o Inside Bohraon Ki Pole, Sarafa Bazar, Jodhpur, Rajasthan.

-----Petitioner

Versus

1. Kendriya Vidhyalaya Sangthan, Through Commissioner, 18, Institutional Area, Shahid Jeet Singh Marg, New Delhi - 110602.
2. Joint Commissioner, Kendriya Vidhyalaya Sangthan, (Kvs), 18-Institutional Area, Shaheed Jeet Singh Marg, New Delhi - 110602.
3. Assistant Commissioner, Kendriya Vidhyalaya Sangthan, Regional Office, 92 Gandhi Nagar Marg, Bajaj Nagar, Jaipur - 302015 (Rajasthan).
4. Principal, K.v. No. 1, Army, Jodhpur (Rajasthan).

-----Respondents

For Petitioner(s)	:	Mr. Mahendra Singh Godara Mr. Himanshu Shrimali
For Respondent(s)	:	Mr. Gaurav Ranka for Mr. Muktesh Maheshwari

HON'BLE DR. JUSTICE PUSHPENDRA SINGH BHATI
HON'BLE MR. JUSTICE SANDEEP SHAH



15/04/2026

1. Learned counsel for both the parties submit that the controversy pertaining to the policy with regard to those of the employees at the relevant time, who did not opt for GPFS or opted to remain in CPFS and if they did not make any option, they would automatically deem to be opting GPFS, has been settled by the Hon'ble Apex Court in the judgment of **University of Delhi vs. Shashi Kiran & Ors.** reported in (2022) SCC Online SC 594. The relevant part of **Shashi Kiran (supra)** judgment reads as follows-

"4. In these circumstances, Writ Petitions were filed in the High Court claiming diverse reliefs. These petitions, by order dated 21.05.2012 passed by the learned Single Judge of the High Court, were categorized into three categories.

a. Employees who had exercised any option at all and thus by virtue of the deeming provisions contemplated in the notification dated 01.05.1987, were deemed to have "come over" to GPF; but having continued to make contributions under the old CPF scheme were being treated to be under CPF. This batch was subsequently referred to as "R.N. Virmani batch of cases" in the decisions rendered by the High Court.

b. Employees who had not exercised the option by the cutoff date contemplated under the notification dated 01.05.1987 and were thus deemed to have come over" to GPF; however, such employees had exercised the option to remain under CPF scheme during first two extensions granted by the University between 01.10.1987 to 29.02.1988; and were now praying that they be allowed to be under GPF. This batch of cases was described to be "N.C. Bakshi batch of cases in the decisions rendered by the High Court.

c. Employees who had exercised positive option by 30.09.1987 i.e. by the original cutoff date contemplated under notification dated 1.5.1987 and had chosen to remain under CPF Scheme; but were now demanding that they be given further option and were therefore praying for extension of the cut-off date to enable them to "come over" to GPF. This group of matters was referred to as "Shashi Kiran" batch of cases" in the decisions rendered by the High Court.

5. Thus, the employees in all three batches of cases desired to be under GPF rather than under CPF and were therefore praying for a chance to facilitate such switchover. The reason for such attempts was spelt out with clarity in one of the letters addressed."

2. Thus, broadly the issue seems to be governed by the judgment passed in **Shashi Kiran (supra)**. While number of cases were being decided in light of **Shashi Kiran (supra)**,



learned counsel submits that currently in the matter of **Kendriya Vidhyalaya Sangathan vs. Malathy Pisharasyar N.S & Ors.** in *SLP (Civil) Diary No.42885/20225* the Hon'ble Apex Court while keeping into consideration **Shashi Kiran (supra)** and **KVS & Ors. vs. Jaspal Kaur (2007 (6) SCC 13)**, has passed an interim order staying the operation of the impugned order. The order of the Hon'ble Apex Court reads as under:-

"1. Delay condoned.

2. These are five matters where the Kendriya Vidyalaya Sangathan (for short 'KVS') is the petitioner. Diary No.42885/2025 (KVS vs. Malathy Pisharasyar N.S.& Ors.), Diary No.43413/2025 (KVS vs. N.Alima Beevi & Ors.) & Diary No.43439/2025 (KVS vs. M.R.Indira & Ors.) are from Kerala. In all three matters, the High Court has allowed the review, recalled its earlier judgment and set down the matters for hearing.

3. Diary Nos.36684/2025 (KVS & Ors. vs. Usha Bakshi) and Diary No.23876/2025 (KVS & Anr. vs. Hari Om Verma) are from Rajasthan. In the said matters final relief have been given to the respondents applying the judgment of this Court in the *University of Delhi vs. Shashi Kiran (2022 SCC OnLine SC 593)*.

4. The issue involved in these matters is when employees have exercised option to come under the Contributory Provident Fund Scheme(CPFS) whether they can seek to resile from the option and avail coverage under General Provident Fund Scheme (GPFS).

5. According to Mr. Shubhranshu Padhi, learned counsel for the KVS, such a course is not permissible and according to Mr.Padhi, Shashi Kiran (supra) does not lay down such an absolute proposition of law. Mr. Padhi, submits that in Shashi Kiran (supra) benefit was extended to 75 persons who were left in the said batch of matters, who had exercised option for CPFS and direction was given to the authorities to offer them an option in such a manner as the authority deems appropriate. Mr. Padhi submits that such a course of action was adopted because in the said batch only 75 persons were left out.

6. Mr. Padhi submits that as far as the Kerala matters are concerned, the main judgment which is since been recalled, followed the judgment of this Court in *KVS & Ors. vs. Jaspal Kaur (2007 (6) SCC 13)* and refused benefit to parties to come under the GPFS once they had opted for CPFS. Special Leave petitions have also been dismissed by this Court and in one case the matter was withdrawn.

7. As far as the Rajasthan matters are concerned, benefits have been extended by the High Court and the employees have been permitted to come back to the GPFS. Mr. U.N.Singh, learned counsel for the KVS challenges the said direction also.

8. Mr. Nikhil Kumar, learned counsel for the sole respondent in Diary No.36684/2025 appears on caveat and submits that the issue is concluded by the direction of this Court in *Shashi Kiran (supra)* in favour of the respondents.

9. We are of opinion that the issue requires consideration as to whether employees of the KVS who have exercised option to be covered under the CPFS can be allowed to come back to the GPFS and as to whether Shashi Kiran (supra) in fact permits such a course of action.

10. We need to also consider the holding of this Court in *Jaspal Kaur (supra)*.



11. Issue notice to the respondents, returnable on 10.03.2026. 12. Mr. Nikhil Kumar, learned counsel for the sole respondent in Diary No.36684/2025 accepts notice on behalf of the sole respondent. Hence, formal service of notice is dispensed with on the said respondent.

13. In the meantime, there shall be stay on the operation of the impugned judgment and order(s) in all these matters.

14. List the matters on 10.03.2026."

3. Learned counsel for the parties submit that the issue has been threadbare argued before this Court number of times in various matters and until **Shashi Kiran (supra)** was holding the field, the same was being followed. But after the same has been stayed by the Hon'ble Apex Court, the finality on the issue shall depend upon the outcome of the judgment of **Kendriya Vidhyalaya Sangathan (supra)**, which has been quoted above.

4. This Court on such limited submissions and on finding that the issue had been discussed threadbare and had attained finality from the Hon'ble Apex Court in the matter of **Shashi Kiran (supra)**, but has been reopened by the Hon'ble Apex Court in light of the consideration of Shashi Kiran viz-a-viz Jaspal Kaur (supra). In the fitness of the circumstances, such adjudication shall govern the present controversy as well.

5. Thus, the present writ petitions are disposed of while directing that the broader proposition of CPFS and option for GPFS, which has been settled at present by keeping Shashi Kiran (supra) into consideration, has been stayed in **Kendriya Vidhyalaya Sangathan (supra)** by the Hon'ble Apex Court, the outcome of same shall govern the present petitions and the respondents shall be bound to abide by the same proposition of law to be as after the adjudication of the Hon'ble Apex Court in **Kendriya Vidhyalaya Sangathan (supra)**.



6. It is made clear that though the questions framed in Shashi Kiran (supra) and the consideration being made in **Kendriya Vidhyalaya Sangathan (supra)** are itself elaborate and contemplate for all prospects of the issue involved, however, in case after adjudication of the Hon'ble Apex Court, any issue other than the issue being finally adjudicated there remains, all the parties shall be having liberty to seek revival of their respective petitions on the perspective, which may be separate it to the adjudication made by the Hon'ble Apex Court.

(SANDEEP SHAH),J **(DR. PUSHPENDRA SINGH BHATI),J**

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