

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

S.B. Civil Writ Petition No. 3837/2026

Durga Ram S/o Shri Khema Ram, Aged About 41 Years, R/o Village Daukiyon Ka Tala, Tehsil Patodi, District Balotra, Rajasthan.

-----Petitioner

Versus

1. State Of Rajasthan, Through Its Principal Secretary Department Of Education, Government Of Rajasthan, Jaipur.
2. Director, Directorate Of Elementary Education Department, Bikaner, Rajasthan.
3. District Education Officer, Barmer.
4. Chief Block Education Officer, Barmer.

-----Respondents

For Petitioner(s)	:	Dr. Nikhil Dungawat
For Respondent(s)	:	Mr. Kamlesh Sharma, AGC with Mr. Samarjeet Singh Bhati

HON'BLE MR. JUSTICE ANAND SHARMA

Order

22/04/2026

1. Petitioner has filed this writ petition with the following prayers :

"It is, therefore, most humbly and respectfully prayed that this writ petition may kindly be allowed and by an appropriate writ order or direction:

A] By an appropriate writ order or direction, the suspension order dated 03.06.2024 (Annex.03) may kindly be quashed & set aside.

B] By an appropriate writ order or direction, the respondent may be directed to revoke the suspension order dated 03.06.2024 (Annex.3) and the respondents be directed to reinstate the petitioner in service with all consequential benefits.

C] Any other appropriate order or relief which this Hon'ble Court may deem just and proper in the

facts and circumstances of this case may also kindly be passed in favour of the Petitioner.

D] Cost of litigation may kindly be awarded to the humble Petitioner.”

2. It is stated that petitioner is holding the post of Lecturer (Hindi) in respondent-Department, however, by levelling the allegations of adopting unfair means during the examination on the basis of forged documents, an FIR was lodged against the petitioner as well as charge-sheet under Rule 16 of Rajasthan Civil Services (CCA) Rules, 1958 dated 14.10.2024 was served upon the petitioner. Learned counsel submits that in the meanwhile, the petitioner was also placed under suspension vide its order dated 03.06.2024. A bare perusal of the suspension order would reveal that the reasons assigned for suspending the petitioner are lodging of an FIR against the petitioner as well as his arrest during pendency of criminal proceedings.

3. Learned counsel submits that the petitioner filed S.B. Criminal Misc. Petition No.9175/2024 before this Court for challenging the FIR, in which, vide order dated 09.01.2025, Co-ordinate Bench of this Court has passed an interim order to the effect that the charge-sheet shall not be submitted.

4. Learned counsel further submits that so far as initiation of disciplinary inquiry vide order dated 14.10.2024, is concerned, the petitioner has also assailed the same by way of filing S.B. Civil Writ Petition No.17983/2024.

5. In the aforesaid writ petition, Co-ordinate Bench of this Court while issuing notices on 23.10.2024, has also granted interim order for staying the departmental inquiry initiated against

the petitioner pursuant to memorandum and charge-sheet dated 14.10.2024.

6. Learned counsel submits that in view of the fact that where Co-ordinate Bench of this Court in different proceedings has stayed the criminal proceedings as well as the proceedings of disciplinary inquiry, no fruitful purpose would be served in continuing the suspension of the petitioner pursuant to order dated 03.06.2024.

7. Learned counsel for the petitioner also relies upon one circular dated 03.06.2006 issued by the Secretary, Department of Personnel (DoP), Government of Rajasthan, in which, general guidelines have been given that, in the cases, where the employee has been placed under suspension on account of lodging of FIR/pendency of criminal case, and in case stay is granted by competent Court against continuation of such criminal proceedings then in such cases the suspension order should be revoked by the department.

8. Learned counsel for the respondents opposed the writ petition and submitted that as the petitioner was indulged in committing serious mis-conduct as well as also involved in the criminal activities, therefore, no mistake whatsoever was committed by the respondent - Department in placing the petitioner under suspension vide order dated 03.06.2024.

9. However, learned counsel for the respondents is not in a position to controvert the guidelines given by DoP vide circular dated 03.06.2006, however, submits that the circular dated 03.06.2006 also provides for reviving the suspension order or

passing a fresh suspension order, in case, stay granted in criminal proceedings by the competent Court stands vacated.

10. Heard learned counsel for the parties and perused the record.

11. Facts stated in the writ petition are not which are in dispute. In the petition filed by petitioner challenging the FIR as well as initiation of departmental proceedings, stay has been granted by the Co-ordinate Bench of this Court. Under these circumstances, the suspension order, if passed, shall be regulated by the circular dated 03.06.2006 issued by the DoP.

12. In view of above, the petition filed by the petitioner is hereby allowed. The respondents are directed to revoke the suspension order in the light of the circular dated 03.06.2006 forthwith and to reinstate the petitioner back in service on the post which he was holding prior to the date of suspension order, however, the respondents shall be at liberty to give posting to the petitioner at any place as per the administrative exigency.

13. The respondents shall also be at liberty to pass the fresh suspension order, in case, the stay orders granted by this Court in the past criminal misc. petition/writ petition are vacated, in the light of the circular dated 03.06.2006.

14. Pending applications, if any, stand disposed of.

(ANAND SHARMA),J