

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

S.B. Civil Writ Petition No. 3898/2026

Radha Rani Sharma D/o Shri Rakesh Kumar Shrma, Aged About
36 Years, Resident Of House No.20 Ramgarh Mode Street Jaipur
At Present Posted Village Development Officer At Panchayat
Samiti Jamwaramgarh, District Jaipur Raj.

-----Petitioner

Versus

1. State Of Rajasthan, Through The Principal Secretary,
Rural Development And Panchayati Raj Department,
Government Of Rajasthan, Jaipur.
2. Chief Executive Officer, Zila Parishad, Bikaner.
3. Chief Executive Officer, Zila Parishad, Jaipur.
4. Vikas Adhikari, Panchayat Samiti Jamwaramgarh, District
Jaipur.

-----Respondents

For Petitioner(s) : Mr. Kunal Upadhyay

HON'BLE DR. JUSTICE NUPUR BHATI
Order

07/05/2026

1. Learned counsel for the petitioner submits that a co-ordinate Bench of this Court, vide order dated 21.04.2026, had directed the petitioner to appear before the Medical Board while simultaneously restraining the respondents from taking any coercive action against the petitioner. Counsel submits that thereafter an application for recalling of the said order was filed on the ground that, due to inadvertence, it could not be brought to the notice of the Court that the petitioner's services had already been terminated prior to passing of the order dated 21.04.2026. It is submitted that upon considering the said submissions, the co-ordinate Bench vide order dated 29.04.2026 recalled the earlier order dated 21.04.2026 and directed the matter to be listed in the

category of "For Admission with Stay" on 07.05.2026 before the regular roster Bench for fresh consideration.

2. Learned counsel for the petitioner submits that the petitioner was duly appointed to the post of Village Development Officer ('VDO') under the General Category (EWS) (Hearing Impaired) vide order dated 06.04.2023 (Annex.2), after the respondents had scrutinized and accepted all requisite documents pertaining to eligibility and appointment. He submits that, at the time of appointment, the petitioner had furnished a disability certificate dated 29.07.2019 (Annex.1), issued by the competent authority, i.e. the Government of Rajasthan, Department of Medical & Health, wherein the petitioner's hearing impairment was assessed at 60% after due medical examination.

3. Counsel submits that despite the said certificate being valid and subsisting, the respondents have arbitrarily directed the petitioner to repeatedly appear before the Medical Board for reassessment of disability vide communications dated 11.02.2025, 20.03.2025 and 08.04.2025 (Annex.3). It is contended that once the disability certificate issued by the competent statutory authority had been accepted by the respondents at the time of appointment, there was no occasion or justification to subject the petitioner to re-medical examination, particularly in the absence of any cogent material or lawful determination questioning the genuineness of the certificate.

4. Learned counsel further argues that the respondents have acted in a wholly arbitrary and unjust manner in terminating the petitioner's services vide impugned office order dated 12.09.2025 (Annex.7) merely on the allegation that the petitioner failed to

appear before the Medical Board and on a mere suspicion that the disability certificate dated 29.07.2019 (Annex.1) is fake and forged. He submits that no conclusive finding has been recorded by any competent authority regarding the alleged falsity of the certificate, nor has any due process contemplated under law been followed prior to passing the impugned order.

5. Counsel further submits that once a disability certificate has been issued by the competent authority and the petitioner has been granted appointment against the Hearing Impaired (H.I.) category on the basis thereof, the respondents cannot compel the petitioner to undergo reassessment of disability in an arbitrary manner. He submits that the disability certificate dated 29.07.2019 (Annex.1) continues to remain valid and has neither been cancelled nor revoked by the issuing authority, therefore, the action of the respondents in terminating the petitioner's services vide office order dated 12.09.2025 (Annex.7) is *ex facie* arbitrary, illegal and unsustainable in law.

6. In view of the submissions made, issue notice to the respondents. Issue notice of the stay application as well.

7. In the meanwhile and until the next date of hearing, the effect and operation of the office order dated 12.09.2025 (Annex.7), shall remain stayed.

(DR.NUPUR BHATI),J

17-Mithil/-