

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

S.B. Civil Writ Petition No. 4059/2026

1. Shrutika Chauhan D/o Shri Om Prakash Chauhan, Aged About 37 Years, R/o 509, Roshan Colony, Sector-12, Saweena Khera (Rural) Udaipur, District- Udaipur, Rajasthan. Presently Posted As School Lecturer Sanskrit.
2. Vijay Singh S/o Shri Mohar Singh, Aged About 33 Years, R/o Village And Post- Buchawas, Tehsil- Taranagar, District- Churu, Rajasthan. Presently Posted As School Lecturer Sanskrit.

-----Petitioners

Versus

1. State Of Rajasthan, Through The Secretary, Department Of Education, Government Of Rajasthan, Jaipur, Rajasthan.
2. The Director, Secondary Education, Bikaner, District Bikaner, Rajasthan.

-----Respondents

For Petitioner(s)	:	Mr. M.L. Deora
For Respondent(s)	:	Mr. N.K. Mehta, Dy.G.C. with Mr. Bhupesh Charan Mr. Piyush Bhandari for Dr. Praveen Khandelwal, AAG

HON'BLE MR. JUSTICE CHANDRA SHEKHAR SHARMA

Order

26/02/2026

1. At the request of and with the consent of learned counsel for the parties, the matter has been taken up and heard for final disposal at the admission stage itself.
2. The present writ petition has been filed challenging the action of the respondents in discriminating the pay-scale of the petitioners vis-a-vis other employees recruited in the same recruitment process who have been granted higher pay-scale on

the ground that they have joined before the cut-off date for joining; however, the petitioners joined later to the cut-off date.

3. The facts of the present case discloses that the petitioners along with other candidates were selected to the post of School Lecturers in pursuance of the advertisement issued by the respondent – authorities in the year 2015. The respondent authorities have issued different appointment orders to the various candidates selected in the recruitment process to the post of School Lecturers (Sanskrit). The petitioners in the present case were issued appointment order on 28.06.2017.

4. The grievance of the petitioners is that all the appointment orders were issued prior to the last cut-off date for joining, i.e. 10.07.2017. Though the appointment order was given to the petitioners on 28.06.20217, 29.06.2017 and 30.06.2017, they have joined after cut-off date i.e. 30.06.2017 but prior to the last cut-off date for joining i.e. 10.07.2017 in the post of School Lecturer (Sanskrit) in various schools. However, such later joining of the petitioners was within the last cut-off date for joining (i.e. 10.07.2017) fixed by the respondent – authorities.

5. The School Lecturers who have joined their services prior to 30.06.2017, they were granted one additional annual grade increment while fixing their salary and they are drawing higher pay scale. However, the present petitioners were granted one annual grade increment less than that granted to the other persons on the ground that they have joined their services after 30.06.2017.

6. The learned counsel appearing for the petitioners submits that there cannot be any unequal fixation of the pay among the

persons who were selected in the same recruitment process on the same post, basing on the date of their joining. The respondents are required to adopt the date of first joining of the employee or the last cut-off date as mentioned by the respondent- authorities in order to be granted equal annual grade increments to all persons appointed in the same recruitment. It is also submitted that there cannot be any discrimination between the employees who have joined their services prior to 30.06.2017 and subsequent to such cut-off date for fixation of the pay by the respondent – authorities. Such an unequal fixation of pay among the employees of the same recruitment process and on the very same post violates their fundamental right enshrined under Article 14 of the Constitution of India.

7. The learned counsel appearing for the respondents try to justify the action of the respondents in fixation of the unequal pay on account of grant of one additional increment. According to him, the employees who have joined their services prior to 30.06.2017 were required to be given one additional increment. However, the persons who have joined their service subsequent to 30.06.2017, they were granted one less increment. It is also submitted that such granting of different increments is in consonance with the Circular issued by the Department of Finance. They tried to justify the action of the respondents by placing reliance on the circular issued by the Finance Department.

8. Having considered the above contentions advanced by the learned counsel for both the parties, the undisputed facts in the present case are that the all the School Lecturers were selected and appointed in the same selection process in pursuance of the

same advertisement for the post of School Lecturers. However, they were issued different appointment orders.

9. Unequal pay fixation was the result of adopting of two different joining dates by the respondents. The persons who have joined their service prior to 30.06.2017 were granted one additional increment whereas, the present petitioners, who have joined their services subsequent to 30.06.2017, were granted one increment less than the other group of employees.

10. The procedure adopted by the respondents is contrary to the established principles of service jurisprudence. The candidates who have been selected, appointed and joined their services in the same recruitment process pursuant to the very same advertisement on the same post of School Lecturers but their appointment order were issued on different dates and they joined their services prior to 30.06.2017 and subsequent to 30.06.2017 but before the last cut-off date for joining i.e. 10.07.2017, they cannot be discriminated in the matter of fixation of pay. This Court is of the view that the respondents should have adopted either the first date of joining or the last date of joining with regard to the same recruitment process so as to extend the benefit of annual grant of grade increments. They cannot adopt two different dates of joining for extending the benefit of annual grade increments among the candidates in the same recruitment process.

11. The learned counsel appearing for the respondents tried to justify the action of the respondents in extending unequal benefit of granting one annual grade increment is mainly based on the Circular issued by the Department of Finance dated 30.09.2017. A perusal of the Circular makes it clear the same is contrary to the

settled/established principles of law and also against the spirit of Article 14 of the Constitution of India. There cannot be two different dates of joining for the purpose of granting of increments to the employees selected and appointed in the same recruitment process. Such discrimination committed by the respondents is unsustainable even if the same is based on the circular of the Finance Department. The respondents should have ignored the provisions of the Circular in the matter of granting annual grade increments.

12. The respondents should have adopted first date of joining or last date of joining so as to grant annual grade increments or any other date which should be before the last cut-off date for joining of the employees in the same recruitment process. They cannot be permitted to adopt two different dates of joining in respect of the candidates appointed in the same selection process for grant of increments and fixation of pay-scale.

13. Therefore, the action of the respondents in adopting two different joining dates for fixation of salary by giving annual grade increment to one and not to another is, in such circumstances, illegal and unsustainable.

14. In the result, the writ petition is allowed. The actions of respondents in unequal fixation of pay among the persons selected and appointed in the same recruitment process based on their dates of joining are set aside. The respondents have to treat all such candidates as a single unit for grant of annual grade increments whether, they have joined prior to 30.06.2017 or subsequent to 30.06.2017. Any anomaly arising due to adoption of such improper dates of joining for the purpose of granting one

annual grade increment among the candidates appointed in the same recruitment shall be rationalized and shall be corrected. For this purpose, if any correction is required to be carried out by the respondents, they may make necessary corrections in their official records in the matter of grant of annual grade increment after giving notice to affected parties. The respondents are directed to carry out the needful exercise after hearing all the parties concerned, within a period of one month from the date of receipt of a copy of this order.

14. Stay petition and all the pending applications, if any, shall stand disposed of.

(CHANDRA SHEKHAR SHARMA),J

306-T.Singh/-