

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

S.B. Civil Writ Petition No. 4382/2026

Bhawani Shankar Rajpurohit S/o Bhagirath Prasad Rajpurohit,
Aged About 48 Years, R/o Gopeshwar Basti Gangashahar
Bikaner, District Bikaner, Rajasthan.

-----Petitioner

Versus

1. State Of Rajasthan, Through The Secretary, Department Of Education, Government Of Rajasthan, Jaipur, Rajasthan.
2. The Secretary, Department Of Finance (Budget), Government Of Rajasthan, Jaipur.
3. The Director, Secondary Education, Bikaner, District Bikaner, Rajasthan.
4. The Director And Joint Secretary, Department Of Treasury And Accounts, A-Block, Vit Bhawan, Jyoti Nagar, Janpath, Jaipur, Rajasthan.
5. The District Education Officer (Headquarter), Secondary Education, Bikaner, District Bikaner, Rajasthan.
6. The Treasurer, Treasury Office, Bikaner, District Bikaner, Rajasthan.
7. The Sub-Treasury Officer, Sub-Treasury Office, Nokha, Bikaner, District Bikaner.

-----Respondents

For Petitioner(s) : Mr. Chandan Singh

HON'BLE DR. JUSTICE NUPUR BHATI

Order

24/02/2026

Learned counsel for the petitioner submits that in similar controversy, a Coordinate Bench of this Court in the case of Rameshwar Lal Vs. State of Rajasthan & Ors.: SBCWP No.1886/2026, vide order dated 03.02.2026 has granted interim

order staying the recovery against the petitioner therein, while issuing notice to the respondents. The order is reproduced hereunder:-

"1. Heard on the interim stay application.

2. Learned counsel appearing on behalf of the petitioner submits that the petitioner was initially working with the respondent schools i.e. Government Senior Secondary School, Gadiyala, Bikaner and by way of a transfer order, he/she was transferred to the respondent school i.e. Government Senior Secondary School, Outside Vishwakarma Gate Mukta Prasad, Bikaner, which is located in Bikaner Urban, whereas the schools i.e. Government Senior Secondary School, Gadiyala, Bikaner, is located in rural area. Although the petitioner was transferred from rural school to urban school, his/her salary continued to be drawn from the rural school as there was no sanctioned cadre strength at the urban school. While drawing salary from rural school, the House Rent Allowance (HRA) as well as City Compensatory Allowance (CCA) was drawn as if he/she was working in urban school, even though his/her salary was being drawn from rural schools. The Finance Department has noticed these anomalies and directed the concerned departments, including the Treasury Department, not to allow such kinds of postings and further directed that where persons are drawing salaries from a rural school but the allowances of urban schools are drawn, such excess payments are ordered to be recovered. In pursuance of the said Finance Department letter, the Treasury, by the impugned orders, directed respondent i.e. Government Senior Secondary School, Outside Vishwakarma Gate Mukta Prasad, Bikaner to recover the amount from the salary of the petitioner.

3. The grievance of learned counsel appearing on behalf of the petitioner is that the petitioner cannot be blamed for drawing salary from rural school, for the reason that although his/her salary was shown to be drawn from a rural school, he has been transferred from rural to urban school and he/she has been discharging all duties within the urban school. Once he/she is discharging duties in urban school, he/she is entitled to draw the allowances which are similarly paid to the persons working in urban schools and he/she cannot be denied payment of HRA and CCA which are payable to employees working in urban schools. It is also his submission that at least the recovery of excess payment of HRA as well as CCA requires to be stayed until the decision of the present writ petition.

4. Having gone through the facts, it appears that there is a transfer order of the petitioner from rural school to urban school. It is also not in

dispute that he/she has been discharging his/her duties in the urban school and such transfer appears to be made without any sanctioned post for which he has been transferred. As a result, the petitioner's salary has been drawn from the rural school. Such an anomalous situation is the result of the respondent authorities only; the petitioner cannot be blamed for it and there is no justification for the recovery of excess payment, as such excess payment was the result of anomalous action on the part of the respondents.

5. In the said circumstances, there shall be a stay of recovery of excess payment from the salary of the petitioner.

6. Issue notice to the respondents, returnable within a period of four weeks.

7. List the matter on 23.03.2026."

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

In the meanwhile and until the next date, there shall be a stay of recovery of excess payment from the salary of the petitioner.

Connect with SBCWP No.1886/2026, as prayed.

(DR.NUPUR BHATI),J