

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

S.B. Civil Writ Petition No. 4412/2026

Grajesh Kumar Rawat S/o Shri Ram Shankar Sharma, Aged
About 40 Years, Address Ajeetpura, Rajakhera, Dist. Dholpur,
Raj.

-----Petitioner

Versus

1. The State Of Rajasthan, Through The Principal Secretary,
Department Of Secondary Education, Secretariat, Jaipur.
2. The Director, Secondary Education, Bikaner.
3. The District Education Officer (Secondary Education),
Dholpur.

-----Respondents

For Petitioner(s) : Mr. O.P. Sangwa

HON'BLE DR. JUSTICE NUPUR BHATI

Order

23/02/2026

1. Its that the subject matter in the present writ petition is
squarely covered by the order passed by the Co-ordinate Bench of
this Court on 13.11.2019 in S.B. Civil Writ Petition No.
16879/2019 titled as 'Jetha Ram Vs. State of Rajasthan & Ors.'.
2. The relevant part of the aforesaid order dated 13.11.2019
reads as follows:

*"This writ petition has been filed by petitioner seeking
relief as indicated in the writ petition.*

*It is submitted by learned counsel for the petitioner that
the issue raised in the present writ petition is squarely covered
by judgment of this Court in **Manoj Khandelwal & Ors. V.
State of Rajasthan & Ors.: S.B.C.W.P. No.7283/2014**,
decided on 16.07.2014 at Jaipur Bench and the said judgment
has been followed in **Krishan Lal & Ors. v. The State of***

Rajasthan & Ors.: S.B.C.W.P. No19179/2017, decided on 30.10.2017 at Jaipur Bench, and therefore, the petitioner is also entitled to the same relief as granted in the case of Manoj Khandelwal (*supra*) and Krishan Lal (*supra*).

In view of the submissions made, the writ petition filed by the petitioner is disposed of with the similar directions as given in the case of Manoj Khandelwal (*supra*), which read as under:-

"This Court in *Suman Bai and Another Vs. State and Others* – 2009 (1) WLC (Raj.) 381, held that candidates in lower order of merit cannot be come entitled merely because they had approached court earlier. Petitioners had a fresh cause of action for approaching in such situation and their writ petition not barred either as *res judicata* or as being him in properly constituted. This directed the respondents to treat petitioners senior to respondents, who were in lower order of merit.

It is further contended in the writ petition that in the matter of School Lecturers (English) in the same Department, where appointments were delayed because of the fault of the State authorities, the candidates were accorded appointment from the date the candidates stood lower in merit were appointed and they have been granted all consequential benefits of services.

The petitioners approached the respondents byway of representations for extending them same benefits of service which have been granted to the candidates who stood lower in merit than the petitioners, but till date nothing has been done. Hence, this writ petition on behalf of the petitioners for a direction to the respondents to treat their appointment from the date the candidates lower in merit, were given, with all consequential benefits of service, such as seniority, continuity of service, pay fixation, grant of annual grade increments.

Having regard to the facts of the case, writ petition is disposed of requiring the petitioners to make a representation to respondent no.2 – Director, Secondary Education, Bikaner, along with a copy of this order, who shall, after verifying the facts stated above, consider and decide the same by a speaking order within a period of three months from the date of its making, addressing the grievance of the petitioners for extending them the relief as prayed for, as the candidates, who stood lower in merit, are getting benefit of higher pay, seniority, annual grade increments and other service benefits including the selection scales. If the respondent no.2 decides to place the petitioners above in seniority than the candidates who stood lower in merit, then the petitioners

*would be entitled to all benefits of seniority but
they would be entitled only to notional benefits."*

3. Accordingly, the present writ petition is disposed of in same terms as in *Jetha Ram (supra)*.

4. All the pending applications, if any, shall stand disposed of.

(DR.NUPUR BHATI),J

304-mithil/-