

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

S.B. Civil Writ Petition No. 4699/2026

Bhupesh Patidar S/o Shri Jagdish Patidar, Aged About 32 Years,
R/o Saliya Road, Surwaniya, District Banswara, Raj.

-----Petitioner

Versus

1. The State Of Rajasthan, Through The Secretary,
Department Of Rural Development And Panchayati Raj,
Secretariat, Rajathan, Jaipur.
2. The Chief Executive Officer, Zila Parishad Pratapgarh, Raj.

-----Respondents

For Petitioner(s) : Mr. JS Bhalaria

HON'BLE DR. JUSTICE NUPUR BHATI

Order

24/02/2026

1. Learned counsel for the petitioner submits that in similar controversy, a Coordinate Bench of this Court has granted interim order on 04.07.2025 in SBCWP No.12051/2025 titled as Jagjeet Choudhary Vs, The State of Rajasthan & Ors., while issuing notices. The said order is reproduced hereunder:-

"1. Learned counsel for the petitioner submits that vide order impugned dated 05.06.2025 (Annex.P/6), the petitioner has been put under suspension in terms of Rule 13 (1) of the Rajasthan Civil Services (Classification, Control and Appeal) Rules, 1958 by the Chief Executive Officer, Zila Parishad, Hanumangarh whereas it is only the District Establishment Committee in terms of Rule 298 of the Rajasthan Panchayati Raj Rules, 1996 who is empowered to impose a major penalty.

2. Counsel submits that even after it is assumed that the Executive Officer is empowered to impose a minor penalty then too, the approval of the Chairperson of the Zila Parishad would be essential in terms of Section 91 (3) of the Rajasthan Panchayati Raj Act, 1994. The order

impugned been passed by an incompetent authority thus deserves interference.

3. In view of the submissions made, Issue notice. Issue notice of stay application also. Notices be filed in two sets within a period of one week. On the same being filed, one set be given 'dasti' to learned counsel for the petitioner for service through registered post acknowledgment due. Notices be made returnable on 01.08.2025. Postal receipts of the 'dasti' notices be filed within a period of one week from the date of receipt of 'dasti' notices.

4. Meanwhile, the effect and operation of order impugned dated 05.06.2025 (Annexure-P/6) shall remain stayed."

2. Learned counsel for the petitioner submits that vide order impugned dated 10.10.2025 (Annex.P/6), the petitioner was placed under suspension in terms of Rule 13 (1) of the Rajasthan Civil Services (Classification, Control and Appeal) Rules, 1958 by the Chief Executive Officer, Zila Parishad, Hanumangarh whereas it is only the District Establishment Committee in terms of Rule 298 of the Rajasthan Panchayati Raj Rules, 1996 who is empowered to impose a major penalty.

3. Counsel for the petitioner further submits that even after it is assumed that the Executive Officer is empowered to impose a minor penalty then too, the approval of the Chairperson of the Zila Parishad would be essential in terms of Section 91 (3) of the Rajasthan Panchayati Raj Act, 1994. The order impugned been passed by an incompetent authority thus deserves interference.

4. In view of the submissions made, Issue notice. Issue notice of stay application also.

5. Notices be filed in two sets within a period of one week. On the same being filed, one set be given 'dasti' to learned counsel for the petitioner for service through registered post acknowledgment due. Notices be made returnable within four weeks. Postal receipts

of the 'dasti' notices be filed within a period of one week from the date of receipt of 'dasti' notices.

5. Meanwhile, the effect and operation of order impugned dated 10.10.2025 (Annexure-P/6) shall remain stayed.

6. Connect with SBCWP No.12051/2025, as prayed.

(DR.NUPUR BHATI),J

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