



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

S.B. Civil Writ Petition No. 4873/2026

Smt. Shanta Meena W/o Shri Kailash Meena, Aged About 48 Years, R/o Village Padla Vis Jawar Mines, P.s. Sarada, Asriwara, District Salumber (Raj.).

-----Petitioner

Versus

1. The State Of Rajasthan, Through The Director, Department Of Secondary Education, Bikaner (Raj.).
2. The District Education Officer, Department Of Secondary Education, Salumber (Raj.).

-----Respondents

For Petitioner(s)	:	Ms. Taniya Mehta
For Respondent(s)	:	Mr. N.K. Mehta, Dy.G.C.

HON'BLE MR. JUSTICE CHANDRA SHEKHAR SHARMA

Order

12/03/2026

1. The controversy involved in this petition pertains to the consideration of the petitioner case under the 'Old Pension Scheme' instead of the New Pension Scheme.
2. Brief facts of the case, shorn of unnecessary details, are that the respondents issued an advertisement dated 28.07.2003 inviting applications for appointment to the post of Physical Teacher Grade-III, pursuant where to the petitioners duly applied. The said advertisement became the subject matter of challenge before this Court in DBCWP (PIL) No. 5207/2003, which came to be finally adjudicated on 09.03.2004. Owing to the pendency of the aforesaid public interest litigation, the appointment of the petitioner was kept in abeyance by the respondent-Department.



Upon disposal of the said D.B. writ petition, the petitioner was accorded appointment by order dated 31.03.2004, and joined her respective services. Notwithstanding the fact that the recruitment process had been initiated much prior to 01.01.2004, the respondent-Department proceeded to govern the service conditions of the petitioner under the New Pension Scheme, which came into force with effect from 01.01.2004. The specific grievance of the petitioner is that despite the extension of benefits under the Old Pension Scheme to other similarly situated candidates, the petitioner has been arbitrarily and discriminatorily denied the same. Repeated representations preferred by the petitioner, coupled with reliance upon judicial orders passed in favour of similarly situated candidates, have failed to yield any redressal, thereby constraining the petitioner to invoke the extraordinary writ jurisdiction of this Court through the present writ petition.

3. Learned counsel for the petitioner submits that the controversy involved in the present writ petition is squarely covered by the order passed by this Court in the case of **Anita Tavad Vs. The State of Rajasthan & Ors., S.B. Civil Writ Petition No. 964/2026**, decided on 02.02.2026, whereby this Court allowed the said writ petition and extended the benefit of the Old Pension Scheme to a similarly situated candidate. It is further submitted that the said order was passed in the presence of learned counsel for the respondents wherein learned counsel for the respondents do not dispute the delay in the petitioner's appointment and agrees that the respondents are willing to rectify



the situation and extend the benefit of the Old Pension Scheme to the petitioners, as per entitlement.

4. Learned counsel for the respondents is not in a position to refute that the issue involved in the present petition is identical to the case of **Anita Tavad** (supra), and submits that the respondents are prepared to rectify the situation and grant the petitioner the benefits under the Old Pension Scheme, as per petitioner's entitlement.

5. The order dated 02.02.2026 passed in the case of Anita Tavad (supra), is reproduced hereunder:

"3. Learned counsel for the petitioner submits that the petitioner's appointment to the post of Physical Teacher Gr.III was pursuant to the advertisement dated 28.07.2003(Annex.1), which was later challenged in DBCWP (PIL)No.5207/2003, resulting in the temporary withholding of the petitioner's appointment by the respondent – Department and after the decision of the said writ petition, the petitioner was appointed vide order dated 31.03.2004 (Annex.2).

4. Learned counsel for the petitioner further submits that had the appointment been processed without delay, the petitioner would have been entitled to the benefits of the Old Pension Scheme, however, due to the unnecessary delay caused by the respondent – Department, which is not attributable to the petitioner, the petitioner has been placed under the New Pension Scheme. He submits that this is manifestly unjust, as the petitioner should not be penalized for a delay caused by the respondents.

5. In this context, learned counsel for the petitioner places reliance on the judgment passed by a Coordinate Bench of this Court on 22.11.2021 in S.B. Civil Writ Petition No.13462/2021 (Nemlata Sharma Vs. The State of Rajasthan & Ors.) & other connected matters, wherein similarly situated candidates were granted the benefit of the Old Pension Scheme, therefore, the same principle should be applied in this case as well.

6. Learned counsel for the respondents submits that the delay in the petitioner's appointment was due to legal proceedings, which were beyond the control of



both parties, and under the given circumstances, the respondents are prepared to rectify the situation and grant the petitioner the benefits under the Old Pension Scheme, as per petitioner's entitlement.

7. In view of the submissions from both parties and the respondents' willingness to extend the benefit of the Old Pension Scheme to the petitioner, the writ petition is disposed of with a direction to the respondents to grant the petitioner the benefits of the Old Pension Scheme. The necessary actions should be completed within six weeks from the date the petitioner submits a certified copy of this order to the respondent – Department."

6. In view of the submissions made by learned counsel for both the parties, the present writ petition is also disposed of with similar directions as given in the case of **Anita Tavad** (supra). The respondents are directed to extend the benefit of the Old Pension Scheme to the petitioner herein as per her entitlement. The necessary exercise should be carried out within six weeks from the date the petitioner submits certified copy of this order with the respondent – Department.

7. Pending application(s), if any, also stand disposed of.

(CHANDRA SHEKHAR SHARMA),J