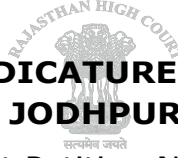




**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**



S.B. Civil Writ Petition No. 4848/2026

Kadir Mohammad Deshwali S/o Shri Abadul Rahman Deshwali,
Aged About 69 Years, Resident Of Ward No.15, Kajodpura, Sawa,
District Chittorgarh Raj.

----Petitioner

Versus

1. State Of Rajasthan, Through The Principal Secretary,
Department Of Rural Development And Panchayat Raj,
Government Of Rajasthan, Jaipur, Rajasthan.
2. Director, Secondary Education, Rajasthan, Bikaner.
3. Director, Elementary Education, Rajasthan, Bikaner.
4. District Education Officer (Secondary Education),
Chittorgarh.
5. District Education Officer (Elementary Education),
Chittorgarh.
6. Deputy Director, Pension And Pensioners Welfare
Department, Udaipur.

----Respondents

For Petitioner(s) : Mr. Dinesh Chandramali
Mr. Aslam Khan

HON'BLE DR. JUSTICE NUPUR BHATI

Order

25/02/2026

1. Learned counsel for the petitioner submits that the controversy involved in the present case is squarely covered by a judgment of this Court rendered in ***S.B. Civil Writ Petition No.14444/2015 (Smt. Saroj Bala Bhatt & Anr. Vs. State of Rajasthan & Ors.)*** and other connected matter, decided on 04.08.2022, which reads as under:-

"The present writ petitions have been filed against the order dated 31.10.2015 whereby the earlier order vide



which the monetary benefits in pursuance to the selection grade were granted to the petitioners has been ordered to be cancelled. Learned counsel for the petitioners submitted that the issues as to from which date the benefit of selection grade and regularisation has to be granted and whether the benefit already granted can be withdrawn, were under consideration in the matter of State of Rajasthan & Ors. Vs. Chandra Ram (D.B. Special Appeal Writ No.589/2015) decided on 07.07.2017. While replying to the said issues, the Division Bench held as under:

"37. QUESTION A

For the reasons and discussions aforesaid and in view of the law declared by the Supreme Court in the case of Jagdish Narain Chaturvedi and Surendra Mahnot & Ors. (supra); we are of the opinion that the respondent – employee would stand regularized from the date of regularization in service and not prior to that.

38. QUESTION B

Taking into consideration the recent decision, prior to two decades the regularization period was not questioned by anybody, therefore, in a writ petition filed by the petitioner it will not be appropriate for us to allow the Government to end the regularization. However, regularization will be from the date of regularization done by the department and not prior thereto.

39. QUESTION C

The contention of the counsel for the employees is required to be accepted and it cannot be annulled unless it has been annulled by appropriate authority. However, the benefits shall not be withdrawn but in future when the benefits are to be accorded for further promotion, the same will be considered on the basis of new law declared by the Supreme Court i.e. period will be considered from the date of regularization. When the future benefit of 9, 18 and/or 27 will be considered their ad-hoc service will not be considered for the purpose of benefit of 9, 18 and/or 27 years. But if benefit has already been granted for all the three scales; the same shall not be withdrawn and no recovery will be made from the employees.

40. QUESTION D

In view of our answer in above matters, it is very clear that for the purpose of regularisation the date of regularisation will be from the date of regular appointment. In that view of the matter, there cannot be two dates for the purpose of seniority and the other benefits. However, earlier services will be considered for the purpose of the same if there is a shortage in pensionary benefits.

41. QUESTION E

In view of the observations made by the Supreme Court, as referred to above, the ad-hocism will not be considered for seniority. In that view of the matter, there will be only one date for regularization, date of regularizing



ad-hoc period will not have any effect on seniority. In our considered opinion, the Division Bench of this Court in the case of State of Rajasthan & Ors. vs. Gopa Ram in DB Civil Special Appeal No.44/2016, decided on 18.04.2016 had no right to distinguish the judgment of the Supreme Court in the case of Jagdish Narayan Chaturvedi (Supra) and State of Rajasthan vs. Surendra Mohnot & Ors. (supra). Thus, the decision of State of Rajasthan & Ors. vs. Gopa Ram (supra) did not lay down correct law. The correct law would be the law declared by the Supreme Court in the two judgments referred hereinabove.” Learned counsel for the respondents also admitted the issue in question to be covered by Chandra Ram’s case (supra).

In view of the ratio as laid down in Chandra Ram’s case (supra), the present writ petitions are allowed on the same terms and conditions. All the pending applications also stand disposed of.”

2. For the above-said reasons, the present writ petition is disposed of in light of the judgment rendered by this Court in the case of **Smt. Saroj Bala Bhatt (supra)**.

3. It is made clear that if any recovery is made by the respondents pursuant to grant of ACP, the petitioner will be free to move an appropriate representation in accordance with law for the refund of the recovery.

4. The order instant has been passed based on the submissions made in the petition, the respondents would be free to examine the veracity of the submissions made in the petition and only in case the averments made therein are found to be correct, the petitioner would be entitled to the relief sought.

5. Stay application also stands disposed of, accordingly.

(DR.NUPUR BHATI),J

325-/Devesh/-