

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

S.B. Civil Writ Petition No. 4844/2026

Monu Sigar D/o Shri Ram Narayan Sigar, Aged About 24 Years,
R/o Village Rasisar Bas Purohitan, Tehsil Nokha, District Bikaner,
Rajasthan.

-----Petitioner

Versus

1. State Of Rajasthan, Through The Secretary, Department Of Education, Government Of Rajasthan, Jaipur, Rajasthan.
2. The Director, Elementary Education, Bikaner, District Bikaner, Rajasthan.
3. The Chief Executive Officer, Zila Parishad Rajsamand, District Rajsamand, Rajasthan.
4. The District Education Officer (Headquarter), Elementary Education, Rajsamand, District Rajsamand, Rajasthan.
5. The Principal /peeo, Government Senior Secondary School, Piparda, District Rajsamand, Rajasthan.

-----Respondents

For Petitioner(s) : Mr. Mohan Singh Shekhawat

HON'BLE DR. JUSTICE NUPUR BHATI

Order

25/02/2026

1. Counsel for the petitioner submits that in an identical issue, the Coordinate Bench of this Court vide order dated 07.01.2026 passed in the case of **Deepak Pareek v. State of Rajasthan & Ors. : SBCWP No.21/2026**, has granted interim relief while issuing notices. The said order is reproduced hereunder:

- "1. Heard on the interim stay application.
2. The learned counsel for the petitioner submits that the petitioner was given the disability certificates as per the prescribed norms contained under the Persons with Disabilities (Equal Opportunities, Protection of Rights

and Full Participation) Act, 1995 (hereinafter referred to as 'the Act of 1995') & the Rules framed thereunder and some of the persons have been given the disability certificate as per the prescribed norms under the Persons with Disabilities Act, 2016 (hereinafter referred to as 'the Act of 2016') & Rules framed thereunder. The petitioner has participated in the selection process and they have been selected basing on the disability certificates which they have produced. After their selection/appointment, the State Government has issued an administrative circular whereunder, the State Government wanted to re-examine the disability certificate of the petitioner which have been produced for re-assessment of their disability on the suspicion that the disability certificates given by the employees who have been recruited basing on such disability certificates were allegedly suspicious nature as to disability mentioned thereunder or to be not genuinely obtained.

3. The main grievance of the petitioner is that the disability certificates furnished by the petitioner were duly accorded to him by duly following the statutory prescribed norms/rules under the Act of 1995 and the Act of 2016. The parameters prescribed under the old Act of 1995 and the Act of 2016 were duly complied with while issuing such disability certificate.

4. The preliminary contention of the learned counsel for the petitioner is that when the disability certificate were issued by following the prescribed norms/parameters under the old Act of 1995 and the Act of 2016, the petitioner cannot be subjected to undergo fresh medical examination for re-determining their disability only on the suspicion of the State Government that while there were recruited and appointed, the disability in the certificates were not genuinely reflected their disability. If any such exercise is to be taken by the State Government, the mechanism as provided under the Act of 1995 has to be followed and not by issuing a circular by the State Government.

5. It is also the submission of the learned counsel for the petitioner that some of the petitioners have obtained their disability certificates under the Act of 1995 whereas, the prescribed norms/parameters for issuing the disability certificates have been changed under the new Act of 2016. If they have been subjected to any such exercise of re-medical examination for determining their disability, new method under the Act of 2016 has to be followed. If the new method as provided under the Act of 2016 is followed, they will be deprived of their legitimate rights which have been accorded under the certificates which have been granted by following the statutory Act and the Rules framed thereunder governing such issuance of disability certificates.

5. The grounds raised by the petitioner requires hearing of the writ petition. The minimum grievance of the petitioner is that if the respondents are allowed to continue with the re-examination of their disability based on the certificates, there is every likelihood of deprivation of his employment by way of disciplinary proceedings, therefore, his right of employment should be protected.

6. Considering the submissions advanced by the learned counsel for the petitioner, this Court is inclined to protect the interest of the petitioner. However, the respondents authority is allowed to undergo with their exercise. No coercive action shall be taken against the petitioners on any of the findings given after re-examination without leave of this Court. The respondents are also directed to place the result of reexamination of medical board before this Court on the next date.

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

8. List the matter on **12.02.2026.**"

2. In view of the above, issue notice of the writ petition along with stay application to the respondents.

3. In the meanwhile and till next date, no coercive action shall be taken against the petitioner without leave of this Court. The respondents are also directed to place the result of the reexamination of Medical Board before this Court on the next date.

4. Connect with SBCWP Nos. 24581/2025 and 21/2026, as prayed.

(DR.NUPUR BHATI),J