

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

S.B. Civil Writ Petition No. 5965/2026

Pooja Kumari D/o Shri Girdhari Lal, Aged About 35 Years,
Resident Of Village Majra Kath, Post Neemrana, Tehsil
Neemrana, District Kotputli Behror Raj.

-----Petitioner

Versus

1. The State Of Rajasthan, Through The Principal Secretary,
Department Of Education, Government Of Rajasthan,
Secretariat, Jaipur, Rajasthan.
2. The Principal Secretary, Department Of Rural
Development And Panchayati Raj, Government Of
Rajasthan Secretariat, Jaipur, Rajasthan.
3. The Director, Elementary Education, Directorate Bikaner,
District Bikaner, Rajasthan.
4. The Chief Executive Officer, Zila Parishad, District Sikar,
Rajasthan.
5. The District Education Officer (H.q.), Elementary
Education, Sikar, Rajasthan.

-----Respondents

For Petitioner(s)	:	Mr. Puna Ram Sen
For Respondent(s)	:	--

HON'BLE MR. JUSTICE KULDEEP MATHUR

Order

07/05/2026

1. Learned counsel for the petitioner submits that the issue involved in the present writ petition is squarely covered by judgment in ***Minaxi & Ors. v. State of Rajasthan & Ors.: S.B. Civil Writ Petition No.4499/2022***, decided on 07.05.2022.
2. In the case of Minaxi (supra), the Coordinate Bench of this Court, held as under:-

"This writ petition has been filed by the petitioners seeking notional benefits pursuant to the appointment of the petitioners by order dated 26.05.2019 (Annex.5).

It is inter-alia indicated that pursuant to the advertisement dated 11.09.2017 (Annex.1), the petitioners applied for the post of Teacher Grade III (Leave II). Though the names of the petitioners appeared in merit, they were not accorded appointment.

Similarly situated candidates filed petitions being Komal Purohit Vs. State of Rajasthan & Ors.: S.B. Civil Writ Petition No.13707/2018 and connected matters, which came to be decided by order dated 12.10.2018, wherein, the petitioners were held as eligible.

Pursuant thereto, the petitioners were accorded appointment by the respondents by order dated 26.05.2019, however, they have not been accorded the notional benefits, despite the fact that they were higher in merit to the candidates, who were accorded appointment prior to them, pursuant to the advertisement dated 11.09.2017.

Submissions have been made that the petitioners were denied appointments by the respondents for the reasons, which came to be quashed by this Court in the case of Komal Purohit (supra). Whereafter, they have been accorded appointment and for no fault of the petitioners, only on account of delayed appointment by the respondents, the petitioners cannot be deprived of the notional benefits.

Reliance has been placed on Manoj Khandelwal & Ors. Vs. State of Rajasthan & Ors.: S.B. Civil Writ Petition No.7283/2014. Learned counsel for the respondents contested the submissions made and submitted that as the petitioners have been accorded appointment by order dated 26.05.2019, they are not entitled for the notional benefits. However, it is not disputed that the similar issues have been decided in the case of Manoj Khandelwal (supra).

I have considered the submissions made by learned counsel for the parties and have perused the material available on record. It is not in dispute that the petitioners, though higher in merit, were denied appointment for the reasons which came to be quashed in the case of Komal Purohit (supra), whereafter, they were accorded appointment.

Once the petitioners have been accorded appointment on account of quashing of the action of the respondents in denying the appointment, the respondents cannot refuse at least the notional benefits to the petitioners on account of the said delayed appointment.

In the case of Manoj Khandelwal (supra) after referring to the orders in the case of Suman Bai & Anr. Vs. State of Rajasthan & Ors.: 2009 (1) WLC (Raj.) 381 and other orders, the Court required the respondents to redress the grievances of the petitioners therein.

In view of the above fact situation, the petition filed by the petitioners is allowed. The respondents are directed to accord notional benefits such as seniority, continuity in service, pay fixation and grant of annual grade increments to the petitioners from the date persons lower in merit to the petitioners were accorded appointment.

Needful may be done by the respondents within a period of three months from the date of this order."

3. In view of above, the writ petition is allowed in same terms as judgment, *ibid*. The respondents are directed to accord notional benefits such as seniority, continuity in service, pay fixation and

grant of annual grade increments to the petitioner from the date persons lower in merit to the petitioner were accorded appointment, if otherwise the petitioner is found eligible for the same.

4. Stay petition stands disposed of.

(KULDEEP MATHUR),J

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