

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

S.B. Civil Writ Petition No. 6523/2025

Geeta Devda D/o Ram Ji Devda, Aged About 35 Years, R/o Village Moonipara, Post Timeda Bada, Tehsil Kushalgarh, District Banswara, Rajasthan.

-----Petitioner

Versus

1. The State Of Rajasthan, Through Its Secretary, Department Of Rural Development And Panchayati Raj, Secretariat, Jaipur.
2. Director, Elementary Education, Rajasthan, Bikaner, Rajasthan.
3. Zila Parishad Banswara, Through Its Chief Executive Officer, Banswara.
4. Panchayat Samiti Ghatol, Through Its Development Officer, Sajjangarh, Rajasthan.
5. District Education Officer (Headquarter), Elementary Education, Banswara, Rajasthan.

-----Respondents

For Petitioner(s)	:	Mr. Mahendra Vishnoi.
For Respondent(s)	:	Mr. Samarjeet, for Mr. Kamlesh Sharma, AGC.

HON'BLE DR. JUSTICE NUPUR BHATI
Order

10/02/2026

1. This writ petition has been filed by the petitioner with the following reliefs:

"1. The Impugned Order dated 13.01.2025 (Annex.6) passed by the District Education Officer may kindly be quashed and set aside.

2. The respondents may kindly be directed to permit the petitioner to join the services with all consequential benefits and also provide the benefits arises by the order dated 03.02.2025.

3. Cost of litigation and damages may also be allowed in favour of the petitioner.

4. Any other appropriate writ or order Or direction which is favorable to the petitioner in the facts and circumstances of the case may kindly be granted to the petitioner."

2. Brief facts of the case are that the present writ petition has been preferred by the petitioner against the order dated

13.01.2025 (Annex.6) issued by respondent No.5, whereby the respondent authority terminated the services of the petitioner during probation, stating that her services are no longer required in public and departmental interest.

2.1. The petitioner was appointed on the post of Teacher Grade III (Level II) at Government Upper Primary School, Pandwal Uankar, District Banswara, by order dated 03.10.2023 (Annex.1). During the period of probation, FIR No. 0174 dated 20.06.2024 came to be registered against the petitioner at Police Station Kushalgarh, District Banswara, alleging that she had cleared the REET Examination 2022 - Teacher & Upper Primary School (General/Special Education) (Level II, Class 6 to 8) Direct Recruitment 2022 - by placing a dummy candidate in her place. Thereafter, Final Report No. 170/2024 dated 13.09.2024 (Annex.2) was submitted.

2.2. On account of registration of the said FIR, the petitioner was taken into custody and, during investigation, the department issued order dated 16.07.2024 (Annex.3), served through the Jail Authorities, whereby she was placed under suspension under Rule 13 of the Rajasthan Civil Services (Classification, Control and Appeal) Rules, 1958 (CCA Rules 1958) and a departmental enquiry was ordered under Rule 16 of the CCA Rules 1958. The order dated 16.07.2024 (Annex.3) records that a chargesheet dated 28.06.2024 along with memorandum of charges had been issued to the petitioner and that a police report indicated that the photographs on both the forms were of different persons and the signatures on the application forms were also of different persons; it was further noted that the offences alleged were punishable

with life imprisonment or sentence up to 10 years and that the incident had been published in the newspaper, thereby tarnishing the image of the Education Department and the State Government.

2.3. The order dated 16.07.2024 (Annex.3), treating the matter as a fit case to proceed under Rule 19(ii) of the CCA Rules 1958 on the premise that the petitioner was involved in forgery and had secured selection on the basis of a dummy candidate, culminated in dismissal from service on the strength of the district establishment committee's resolution. The said order dated 16.07.2024 (Annex.3) was challenged by the petitioner before this Court by way of Writ Petition No. 1312/2025. During the hearing of that petition, learned counsel for the State apprised the Court that the termination order dated 16.07.2024 (Annex.4) had been revoked vide order dated 14.01.2025 (Annex.5), whereupon the writ petition was dismissed as having become infructuous vide order dated 28.01.2025 (Annex.4), while observing that the petitioner shall be entitled to all consequential benefits arising from the revocation of the order dated 16.07.2024.

2.4. Thereafter, upon obtaining a copy of the order dated 28.01.2025, the petitioner approached the respondent authority for compliance of the Court's directions regarding consequential benefits; however, instead of granting such benefits, the respondents handed over another order dated 13.01.2025 (Annex.6), whereby the petitioner's services were again terminated during probation by a non-speaking three-line order, merely stating that her services are no longer required in public and departmental welfare. Hence, this petition.

3. Learned counsel for the petitioner submits that the petitioner was appointed on the post of Teacher Grade III (Level II) vide order dated 03.10.2023, however, on account of an FIR lodged against her alleging that she cleared the REET Examination-2022 by impersonation, her services were dismissed vide order dated 16.07.2023, and again terminated vide order dated 13.01.2025. He submits that the earlier dismissal order dated 16.07.2023 was revoked by a subsequent order dated 14.01.2025 (Annex.5), yet just a day prior thereto, the respondents had already passed the order dated 13.01.2025 (Annex.6) terminating her services, which clearly indicates that the latter order was passed without due application of mind. Counsel further submits that the termination order dated 13.01.2025 (Annex.6) was issued by the District Education Officer, who is not the competent authority to pass such an order, the competent authority being the District Establishment Committee.

4. Learned counsel for the petitioner submits that the present case is squarely covered by the order dated 10.07.2025 passed in ***S.B. Civil Writ Petition No. 6057/2025 (Mahesh Chandra Patel Vs. State of Rajasthan & Ors.)*** by a Coordinate Bench of this Court.

5. Learned counsel for the respondents is not in a position to dispute that the present case is squarely covered by the aforesaid order in Mahesh Chandra Patel (supra).

6. Thus, taking into consideration the submissions made by learned counsel for the parties and the order dated 10.07.2025 passed in the case of ***Mahesh Chandra Patel (supra)***, the writ petition is allowed. The impugned order dated 13.01.2025

(Annex.6) is quashed and set aside. However, the respondents are at liberty to take appropriate action against the petitioner, in accordance with law.

7. The needful shall be done by the authorities concerned within a period of four weeks from today, and it is made clear that if the petitioner is found innocent and an order of reinstatement is passed in her favour, she shall be entitled to all consequential reliefs.

8. The stay petition as well as all other pending miscellaneous applications, if any, stand disposed of accordingly.

(DR. NUPUR BHATI),J

24-Sumit/-