

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

S.B. Civil Writ Petition No. 7153/2025

Sanjay Kumar Shah S/o Keshri Mal Shah, Aged About 50 Years,
R/o Mukam Post Aajna, Tehsil Garhi, District Banswara (Raj.).

-----Petitioner

Versus

1. Director, Secondary Education, Government Of Rajasthan,
Bikaner.
2. District Education Officer (Secondary), Banswara (Raj.)

-----Respondents

For Petitioner(s) : Mr. Ripudaman Singh.

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

HON'BLE MR. JUSTICE VINIT KUMAR MATHUR
Order

18/07/2025

1. Mr. Ripudaman Singh, learned counsel for the petitioner submitted that the issue involved in the present writ petition is squarely covered by the judgment dated 17.02.2025 passed by this Court in **S.B. Civil Writ Petition No.1457/2025 (Manish Vyas Vs. The State of Rajasthan & Ors)**.

2. Mr. N. K. Mehta, learned counsel for the respondents is not in a position to dispute the aforesaid position of facts and law.

3. In the case of Manish Vyas (supra), this Court has observed thus:-

“24. True it is, that the circular dated 19.08.2010 mentions that a candidate has to clear type test on computer but the subsequent circular dated 21.09.2010 which has been issued within a period of one month of the earlier circular, makes it clear that the stipulation made in the circular dated 19.08.2010 so far as giving ‘type test of computer’ is concerned, was erroneous. If the circulars of 19.08.2010 and 21.09.2010 are read carefully, it is apparent that they make a specific reference to the Rules of 1999, so also the notification dated 05.07.2010 by which the Rules of 1999 came to be amended.

25. This Court is, therefore, clearly of the view that after the amendment was brought in the Rules of 1999 (w.e.f

05.07.2010), the requisite educational qualification for the post of LDC is, senior secondary education and computer proficiency as mentioned in Schedule-I and not the type test, as was prevailing prior to 05.07.2010.

26. Petitioner has indisputably acquired computer proficiency or RS-CIT certificate in December, 2014 and therefore, he cannot be asked to clear type test as his appointment was after 05.07.2010 (on 21.07.2011), more particularly, in absence of any such condition or stipulation in his appointment order.

27. For what has been discussed hereinabove and following the judgment in the case of Mohhamad Umar Rangrej (supra), the petition is allowed."

4. The present writ petition is also allowed with the following directions:-

(I) The respondents are directed to give due increments and all other consequential benefits, including promotion to the petitioner in accordance with law - as per the provisions contained in Rule 9 of the Rules of 1996 so also the circular dated 04.05.2017.

(ii) The respondents shall obviously give notional increments to the petitioner from the date of appointment up to the date, when he acquired RS-CIT certificates (February, 2017) but shall nevertheless give actual increments and promotion if the petitioner is otherwise eligible.

(iii) The respondents are directed to pass requisite order in line with the adjudication made hereinabove within a period of two months from today. The arrears be paid within a period of four months from the date of the order instant.

5. The stay application and all other interlocutory applications stand disposed of accordingly.

(VINIT KUMAR MATHUR),J