

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

S.B. Writ Contempt No. 11/2021

Vijay Pratap Singh S/o Shri Karan Singh, Aged About 69 Years,
B-9, Sar Pratap Colony, Near Satimata Temple, Air Force Road,
Jodhpur

-----Petitioner

Versus

1. State Of Rajasthan, Through Secretary, Technical Education Department, Government Of Rajasthan, Secretariat, Jaipur (Raj.)
2. Smt. Such Sharma, Secretary, Technical Education Department, Government Of Rajasthan, Secretariat, Jaipur (Raj.)
3. Dr. Prithvi Raj, The Secretary, Department Of Finance, Government Of Rajasthan, Secretariat, Jaipur (Raj.)
4. Shri Anil Kumar Agarwal, Director, Technical Education Department, Government Of Rajasthan, Jodhpur (Raj.)
5. Shri Anil Kumar Agarwal, Deputy Secretary, Technical Department, Government Of Rajasthan, Jaipur (Raj.)
6. Shri Anil Vyas, Joint Director, Pension And Pensioner Welfare Department, Government Of Rajasthan, Jodhpur (Raj.)

-----Respondents

For Petitioner(s)	:	Mr. Varda Ram Choudhary
For Respondent(s)	:	Ms. Yashvi Khandelwal for Dr. Praveen Khandelwal, AAG

HON'BLE MR. JUSTICE VINIT KUMAR MATHUR

Order

15/07/2025

1. Heard learned counsel for the parties.
2. The present contempt petition has been filed by the petitioner alleging non-compliance of the order dated 02.03.2020 passed by a Coordinate Bench of this Court in CWP No.2863/2020.

3. Learned counsel for the petitioner submits that the order passed by this Court on 02.03.2025 has not been complied with by the respondents and, therefore, appropriate proceedings under the Contempt of Courts Act may be taken against them for willful disobeying the order passed by this Court. Learned counsel for the petitioner further submits that the direction was given to grant the Senior Scale/Selection Grade to the petitioner for the post of Librarian (Senior Scale) in the respondent Department. Learned counsel for the petitioner submits that in light of the judgment rendered by this Court in the case of **Pradeep Kumar vs. State of Rajasthan & Ors – SBCWP No.6889/2012**, decided on 21.08.2014, the other similarly situated persons have been extended the benefit of grant of Senior Scale/Selection Grade. He, therefore, prays that the respondents may be punished for disobeying the order passed by this Court.

4. *Per contra*, learned counsel for the respondents have filed a detailed reply as well as additional affidavits, wherein, it has been contended that the order passed by this Court has been complied with in its true letter and spirit. Learned counsel submits that the petitioner has been granted the Senior Scale for the post of Librarian. Learned counsel further submits that since the petitioner is not holding the Masters Degree in Library Science, therefore, he is not entitled for Selection Grade as per Clause 1.4 of the Rajasthan Technical Education (Engineering) Service Rules, 2010 (hereinafter referred to as 'the Rules of 2010') and, therefore, the respondents have rightly not granted the selection grade to the petitioner. There is no willful disobedience of the

order passed by this Court and hence, the contempt petition is prayed to be dismissed.

5. I have considered the submissions made at the Bar and gone through the relevant record of the case.

6. The detailed order passed by the Coordinate Bench of this Court in the case of *Pradeed Kumar*(supra) was relied upon by this Court while deciding the controversy in the present case by passing the impugned order dated 02.03.2022. Since the writ petition of the petitioner was disposed of in light of *Pradeep Kumar* (supra), therefore, the order of *Pradeep Kumar* (supra) was scanned by this Court. A perusal of the order passed by this Court in the case of *Pradeep Kumar* (supra) clearly shows that the respondents were directed to grant benefit of Senior Scale/Selection Grade to the petitioners without insisting upon the requirement of having 55% marks in the graduation qualification. The order does not indicate that the respondents were directed to consider the cases of those persons who are not having the eligibility conditions as per Clause 1.4 of the Rules of 2010. In the present case, the selection grade has not been granted to the petitioner on the ground that he does not possess Master Degree in Library Science and, therefore, he was not eligible for grant of Selection Scale. In the considered opinion of this Court, the respondents have rightly granted only senior scale to the petitioner and has refused to grant selection grade to the petitioner in light of position of Rules mentioned in the Rules of 2010 and since there was no direction by this Court in the case of *Pradeep Kumar* (supra) to do away with the provision of holding the Masters'' Degree in Library Science, the respondents have

rightly not granted the selection grade to the petitioner. In the considered opinion of this Court, if some wrong benefit has been extended in favour of some persons that will not constitute a ground for grant of the same to the petitioner also. In the considered opinion of this Court, no willful disobedience of the order passed by this Court is made by the respondents. The contempt petition is, therefore, dismissed. Notices are discharged.

(VINIT KUMAR MATHUR),J

285-SanjayS/-