

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

S.B. Civil Writ Petition No. 8706/2026

Mana Ram S/o Kirta Ram, Aged About 39 Years, R/o V/p Khariga Kuaa Chawa, Tehsil And District Barmer, Raj. Through Power Of Attorney Oma Ram S/o Tulachha Ram, Aged 20 Years, R/o Garal Raysingh, Dist. Barmer, Raj.

----Petitioner

Versus

1. State Of Rajasthan, Through The Principal Secretary, Department Of School Education, Government Of Rajasthan, Secretariat, Jaipur.
2. District Education Officer, Elementary Education, Barmer.

----Respondents

For Petitioner(s)	:	Mr. Gorkh Singh
For Respondent(s)	:	

HON'BLE MR. JUSTICE ANAND SHARMA

Order

24/04/2026

Learned counsel for the petitioner has submitted that FIR No. 119/2025 was registered against the petitioner for offences under Sections 103(1) and 238(a) of the BNS. Consequently, the petitioner was arrested by the police authorities and is under judicial custody even today. Therefore, on the basis of the power of attorney dated 13.04.2026, the petitioner's power of attorney holder has filed the present writ petition.

Learned counsel for the petitioner further submitted that the petitioner is aggrieved by the issuance of a charge-sheet under Rule 16 of the Rajasthan Civil Services (Classification, Control and Appeal) Rules, 1958, whereby a disciplinary enquiry has been

initiated against him on the same facts and allegations as those in FIR No. 119/2025. It is submitted that, firstly, on account of being under judicial custody, the petitioner is not in a position to defend himself in the disciplinary enquiry; and secondly, since the charges in the criminal case against him are quite serious in nature, he would be required to disclose his defence at the appropriate stage during the criminal trial. In these circumstances, if the petitioner is required to submit a reply to the charge-sheet and participate in the disciplinary enquiry, he may be compelled to disclose his defence at this stage, which would cause serious prejudice to him and may also have adverse consequences in the criminal trial.

Learned counsel for the petitioner has relied upon the judgments of Hon'ble Supreme Court in the case of **Capt. M. Paul Anthony vs. Bharat Gold Mines Ltd. (1999) 3 SCC 679** and **State of Rajasthan vs. B.K. Meena & Ors. (1996) 6 SCC 417** in support of his application.

Matter requires consideration.

Issue notice to the respondents, returnable within six weeks.

In the meanwhile and until further order, disciplinary proceedings pursuant to the charge-sheet dated 23.12.2025 shall remain stayed.

(ANAND SHARMA),J