

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

S.B. Civil Writ Petition No. 9147/2026

Prahalad Ram S/o Amba Ram, Aged About 36 Years, R/o Village
Hathla, Barmer.

-----Petitioner

Versus

1. The State Of Rajasthan, Through Secretary, Department
Of Secondary Education, Secretariat, Jaipur.
2. The Joint Director (School Education), Jodhpur Division,
Jodhpur.
3. The Director, Of Secondary Education, Rajasthan, Bikaner.
4. The Chief District Education Officer, Barmer.
5. Joint Director, School Education Bharatpur.

-----Respondents

For Petitioner(s) : Mr. R.J. Punia

For Respondent(s) : --

HON'BLE MR. JUSTICE ANAND SHARMA

Order

29/04/2026

1. Learned counsel for the petitioner submits that on account of registration of FIR No.10/2024 against the petitioner, he was arrested by the police authorities and a charges were filed against him before the POCSO Court, Balotra. Charge-sheet were framed by the criminal Court on 03.04.2024, thereafter, statements of witnesses have also been recorded. Learned counsel submits that the witnesses have not supported the story of prosecution and have turned hostile.

2. Learned counsel submits that on almost identical/similar allegations petitioner was served with memorandum of charge-sheet dated 12.04.2024 under Rule 16 of Rajasthan Civil Services

(CCA) Rules, 1958, in which, despite request being made by the petitioner to defer the inquiry till conclusion of criminal trial the inquiry officer proceeded further and submitted inquiry report on 27.02.2026 holding the petitioner guilty of the charges.

3. Learned counsel for the petitioner submits that as the allegations in criminal case as well as disciplinary inquiry are based upon similar facts, list of witnesses and evidences on record, under these circumstances, no penalty whatsoever can be imposed against the petitioner by the respondents on the basis of inquiry report dated 27.02.2026. Learned counsel submits that the file of disciplinary inquiry has been sent to the disciplinary authority on 31.03.2026 for passing appropriate orders.

4. Learned counsel submits that despite the fact that the witnesses in criminal case have not supported the prosecution story, ignoring the same the respondents may pass adverse order in the disciplinary inquiry, which may cause serious prejudice and miscarriage of justice to the petitioner.

5. Heard learned counsel for the petitioner and perused the record.

6. It is not disputed that after conducting inquiry, copy of inquiry report have been served upon the petitioner with liberty to the petitioner to submit a representation against findings in the inquiry report. All the above facts can be placed on record before the disciplinary authority by the petitioner by way of submitting representation against the inquiry report, which can be considered by disciplinary authority at the time of passing final order in disciplinary inquiry.

7. In view of the above, this Court deems just and proper to dispose of this writ petition with liberty to the petitioner that in case, till date, final order has not been passed in the disciplinary proceedings against the petitioner, he may file a representation against the inquiry report on the basis of all the relevant documents. In case, such representation is filed along with certified copy of this order, then the same shall be considered by the disciplinary authority strictly in accordance with law and the disciplinary proceedings shall be finalized by passing speaking order, which shall also be communicated to the petitioner.

8. Ordered accordingly.

9. Pending applications, if any, also stand disposed of.

(ANAND SHARMA),J