

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

S.B. Civil Writ Petition No. 10049/2026

1. Mukesh Kumar S/o Narotum, Aged About 39 Years, R/o 6-F-5, Vip Colony, Sector-9, Panneriyo Ki Madri, Saweena Po Udaipur Hiran Magri, District Udaipur.
2. Surendra Singh S/o Jai Pal Singh, Aged About 39 Years, R/o Dhani Pandusar Rajasar/ Karnisar, Bikaner.
3. Harish Mahla S/o Gharsi Ram Mahla, Aged About 28 Years, R/o Teh. Ratangarh, Bhukhredi, District Churu, Rajasthan.
4. Anil Saran S/o Hari Ram, Aged About 38 Years, R/o Chora, Teh. Sanchoe Chaura, District Jalore, Rajasthan.
5. Manish Singh Jadoun S/o Ramsnehi Jadoun, Aged About 30 Years, R/o Rajpoot Pada, Rodhai Po Rodhai District Karauli , Rajasthan
6. Govind Lal S/o Pura Lal, Aged About 36 Years, R/o 75, Hyde Park Colony, Ramnagar, Bhawanimandi, Teh. Pachpahad, District Jhalawar.
7. Ravi Shankar Bunkar S/o Rajesh Bunkar, Aged About 27 Years, R/o Ward Nimdali Dhani, Khejroll, Po Khejroll, District Jaipur Rajasthan
8. Ashok Kumar S/o Shri Bahadur Singh, Aged About 39 Years, R/o Goth, Jhunjhunu District Jhunjhunu
9. Amit Kumar S/o Madan Lal, Aged About 29 Years, R/o Gram Balodbadi, Teh. Fatehpur, District Sikar.
10. Vikas Matwa S/o Banwari Lal Matwa, Aged About 31 Years, R/o Manasiya, District Sikar.
11. Dharmendra Singh Samota S/o Rameshwar Lal Samota, Aged About 30 Years, R/o Ward No 07, Village Trilokpura Post Sihodi Po Thoi, District Sikar
12. Saurabh Kumar Meena S/o Lajja Ram Meena, Aged About 30 Years, R/o Kankrai, District Dholpur.
13. Tripti Rana, Aged About 33 Years, R/o Plot No. 120-A, Vikas Nagar-B, Girdharipura, Ajmer Road, Jaipur, District Jaipur.
14. Manoj Singh S/o Vijay Singh, Aged About 37 Years, R/o Dhoolwa District Jhunjhunu, Rajasthan
15. Bharti Rathore W/o Mayank Rathore, Aged About 30

Years, R/o Laxminath Mandir Ke Samne, Gordhanpura,
District Baran.

16. Rajat Kumar Soni S/o Shyam Sundar Soni, Aged About 29
Years, R/o Khediya Road, New Colony, Po Hindon, District
Karauli
17. Arun Kumar Dhankar S/o Badlu Ram Dhankar, Aged
About 41 Years, R/o Bhaisawata Khurd Po Basawata
Khurd, District Jhunjhunu
18. Lokesh Kumar Gurjar S/o Raghunath Gurjar, Aged About
30 Years, R/o Village Ibrahimipura Chota, Teh. Peeplu,
District Tonk
19. Sanskar Doriya S/o Girraj Prasad Bairwa, Aged About 27
Years, R/o Plot 149, Doriya Colony, Somnath
Nagar, ganeshpura Road, District Dausa

-----Petitioners

Versus

1. State Of Rajasthan, Through Additional Chief Secretary,
School Education Department, Government Secretariat,
Rajasthan, Jaipur.
2. The Director, Secondary Education, Bikaner (Rajasthan).

-----Respondents

For Petitioner(s)	:	Mr. Vikram Singh Bhawla Mr. Ram Pratap Saini (through VC)
For Respondent(s)	:	-

HON'BLE MR. JUSTICE KULDEEP MATHUR

Order

08/05/2026

1. Learned counsel for the petitioners submits that the issue
raised in the present writ petition is squarely covered by judgment
of this Court in ***Manoj Khandelwal & Ors. v. State of
Rajasthan & Ors. : S.B.C.W.P. No. 7283/2014***, decided on
16.07.2014 at Jaipur Bench and the said judgment has been

followed in *Krishan Lal & Ors. v. The State of Rajasthan & Ors.* : S.B.C.W.P. No. 19179/2017, decided on 30.10.2017 at Jaipur Bench. The petitioners are also entitled to the same relief as granted in the case of ***Manoj Khandelwal (supra) and Krishan Lal (supra)*** claims the petitioners.

2. In view of the submissions made, the writ petition filed by the petitioners is disposed of with the similar directions as given in the case of ***Manoj Khandelwal (supra)***, which read as under:-

"This Court in Suman Bai and Another Vs. State and Others - 2009 (1) WLC (Raj.) 381, held that candidates in lower order of merit cannot become entitled merely because they had approached court earlier. Petitioners had a fresh cause of action for approaching in such situation and their writ petition not barred either as res judicata or as being him in properly constituted. This directed the respondents to treat petitioners senior to respondents, who were in lower order of merit.

It is further contended in the writ petition that in the matter of School Lecturers (English) in the same Department, where appointments were delayed because of the fault of the State authorities, the candidates were accorded appointment from the date the candidates stood lower in merit were appointed and they have been granted all consequential benefits of services.

The petitioners approached the respondents by way of representations for extending them same benefits of service which have been granted to the candidates who stood lower in merit than the petitioners, but till date nothing has been done. Hence, this writ petition on behalf of the petitioners for a direction to the respondents to treat their

appointment from the date the candidates lower in merit, were given, with all consequential benefits of service, such as seniority, continuity of service, pay fixation, grant of annual grade increments.

Having regard to the facts of the case, writ petition is disposed of requiring the petitioners to make a representation to respondent no.2 – Director, Secondary Education, Bikaner, alongwith a copy of this order, who shall, after verifying the facts stated above, consider and decide the same by a speaking order within a period of three months from the date of its making, addressing the grievance of the petitioners for extending them the relief as prayed for, as the candidates, who stood lower in merit, are getting benefit of higher pay, seniority, annual grade increments and other service benefits including the selection scales. If the respondent no.2 decides to place the petitioners above in seniority than the candidates who stood lower in merit, then the petitioners would be entitled to all benefits of seniority but they would be entitled only to notional benefits.”

3. For the purpose aforesaid, the petitioners shall file representation before the competent authority giving out the requisite details along with certified copy of the order instant within a period of four weeks from today. On receipt of the representation, the concerned respondent shall decide the same, in accordance with law within a period of eight weeks from the date of receipt of the representation and accord notional benefits to the petitioners from the date persons similarly situated to the petitioners and lower in merit were given appointment, if entitled.

4. Upon consideration of the representation so filed, if

respondents find the case of the petitioners to be covered by the judgment(s) aforesaid, before giving actual benefits, an undertaking shall be procured from the petitioners to the effect that his rights/entitlements shall be subservient to the fate of the judgment(s) aforesaid and in case the same is reversed or modified in any manner, they shall also be liable for restitution of any benefits/emoluments so received.

5. The stay petition also stands disposed of accordingly.

(KULDEEP MATHUR),J

20-divya/-