

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

S.B. Civil Writ Petition No. 10299/2025

Arvind Kumar Sharma S/o Mukut Bihari Sharma, Aged About 37
Years, R/o Bade Mandir Ka Mohalla, Arniyamal, Sonwa District
Tonk Rajasthan.

-----Petitioner

Versus

1. State Of Rajasthan, Through The Secretary, Department
Of Education, Government Of Rajasthan, Secretariat,
Jaipur, Rajasthan.
2. Director, Secondary Education Department, Bikaner,
Rajasthan.
3. Director, Elementary Education Department, Bikaner,
Rajasthan.
4. District Education Officer, Secondary Education
Department, Udaipur, Rajasthan.
5. District Education Officer, Elementary Education
Department, Udaipur, Rajasthan.

-----Respondents

For Petitioner(s)	:	Mr. Mohan Singh Shekhawat for Mr. Vikram Singh Bhati
For Respondent(s)	:	Mr. N.K. Mehta, Dy.G.C. with Mr. Vaibhav Bang Mr. Digvijay Sankhla for Mr. Kamlesh Sharma

HON'BLE MS. JUSTICE REKHA BORANA

Order

23/05/2025

1. The present writ petition has been filed with a prayer to
direct the respondents to relieve the petitioner from his present
place of posting to join in some Non-TSP area in pursuance to
order dated 30.07.2023 (Annexure-4).

2. The case of the petitioner is that after being called upon to give the option, he opted to be absorbed qua a non-TSP area. The said request was accepted and vide order dated 30.07.2023 (Annexure-4), the petitioner was absorbed qua a non-TSP area and vide the said order, even the district was allotted to him. But order dated 30.07.2023 included a specific stipulation to the effect that the employee would not be relieved till some other person joins in his place i.e. only if a reliever is available qua an employee, he would be relieved.

3. Learned counsel for the petitioner submits that the petitioner has been declared to be a surplus employee and hence, he would never have any reliever who would join in his place.

4. Counsel further relied upon office order dated 06.10.2023 (Annexure-8) whereby it was specifically directed that those teachers who did not require any reliever, could be relieved with immediate effect.

5. Counsel for the respondents is unable to furnish any satisfactory explanation as to how the condition aforesaid would be complied with in case of surplus employees.

6. In view of the submissions made and in view of the aforesaid facts, it is evident that the petitioner who is a surplus employee, would never be replaced by a reliever.

7. In the said circumstances, the respondents are under an obligation to relieve him without waiting for any reliever and to accord posting to him on some vacant post.

8. The writ petition is hence, **allowed**. The respondent authorities are directed to relieve the petitioner from his present place of posting and accord posting to him on some vacant post in

Non-TSP area in District Udaipur. The vacant seats as reflected by the petitioner in his representation can also be taken into consideration by the respondents. However, the same shall not be a binding factor and they would be at liberty to accord posting to the petitioner as per the vacancies existing in other Non-TSP areas in District Udaipur.

9. The effective orders be passed within a period of four weeks from now.

10. Stay petition and pending applications, if any, stand **disposed of.**

(REKHA BORANA),J