

HIGH COURT OF JUDICATURE FOR RAJASTHAN
JODHPUR

S.B. Writ Contempt No. 865/2019

Salma Arora

-----Petitioner

Versus

Jaswant Singh & Ors.

-----Respondents

For Petitioner(s)	:	Mr. Manvendra Singh with Ms. Ananya Rathore and Ms. Saumya Chowdhary
For Respondent(s)	:	Mr. Ayush Gehlot for Mr. Rajesh Panwar, AAG

HON'BLE MS. JUSTICE REKHA BORANA

Order

25/02/2026

1. The present contempt petition has been filed alleging disobedience of order dated 14.05.2019 passed in 3231/2015 whereby the Court allowed the writ petition filed by the petitioner while granting the similar relief as in ***Dr. Arti Mathur & Anr. Vs. State of Rajasthan & Ors; D.B. Civil Writ Petition No.829/2021*** (decided on 16.04.2013).

2. In **Arti Mathur** (supra), the Court held and directed as under:

“In the backdrop of the above, the impugned amendment to Section 7(1) of the Act, 1989 and the Rules, 2010 is, therefore, negated.

However, the action of the Government in withdrawing the grant, so far as it relates to the posts in which the teaching and non-teaching staff of the Non- Government aided educational institutions are still continuing, is adjudged to be illegal and ultravires of the Act, 1989. The impugned communications dt. 13.12.2011, 27.12.2011, 28.12.2011 and those of the institutions dt. 3.1.2012 and 4.1.2012, stand interfered with to this extent. The State respondents are hereby directed to undertake an exercise in association with the management of the

concerned non-Government Educational Institutions hitherto receiving the grant under the Act, 1989 to work out the category and extent of grant in aid, as would be essential to secure the service conditions of such existing teaching and non-teaching staff as contemplated by the enactment and release the same. It is made clear that this direction would be **strictly confined** to the existing teaching and non-teaching staff of such institutions as on date and the benefit thereof would not be extended to those, who have meanwhile opted for the Government service under the Rules, 2010 and also to the posts so abandoned, **and to which, if in the meantime, any induction has been made on the terms and conditions ascribed by the management of the concerned institutions."**

3. It is an admitted fact that the petitioner was working on an aided post as Teacher Grade-III with respondent No.6 Institute. However, on the Rajasthan Voluntary Rural Education Service Rules, 2010 (hereinafter referred to as 'the Rules of 2010') coming into effect, the petitioner was under a liberty to opt either to be merged with a government school or to continue with the institution.

4. As per the reply filed on behalf of the respondents, the petitioner chose not to be adjusted in a government school. She specifically communicated that she would not claim any benefit for the grant in future.

5. It has further been submitted that subsequently, the petitioner was appointed as a Principal with the respondent-institution w.e.f. 01.09.2013 and hence, she no more continued as an employee serving on the aided post. Therefore, in terms of the exception as provided in **Arti Mathur** (supra) itself, the petitioner would not be entitled to the benefit of grant in aid.

6. Counsel for the petitioner however denied any communication been made by the petitioner regarding the refusal of her adjustment with a government school.

7. But then, representation dated 17.05.2019 (Annexure-C/2) as annexed with the present contempt petition clearly reflects that at that point of time, the petitioner herself opted not to be adjusted in a government school. Further, it is an admitted fact that the petitioner was appointed as a Principal w.e.f. 01.09.2013 and is continuing as such.

8. A bare perusal of order passed in **Arti Mathur** (supra) reflects that the direction therein were confined to the then existing teaching and non-teaching staff and it was clearly observed that the benefit thereof would not be extended to the following three class of employees/posts:

(i) those who had opted for government school under the Rules of 2010;

(ii) to the posts which stood abandoned because of the above option;

(iii) to employees qua him any induction had been made on the terms and conditions ascribed by the management of the concerned institutions.

9. In the specific opinion of this Court, the present petitioner falls under both, exception No.(ii) and (iii). It was a clear case of willful abandonment on part of the petitioner and she herself chose not to be adjusted with a government school. Meaning thereby, the post of Teacher Grade-III which was an aided post, stood abandoned. Further, the petitioner was appointed as a

Principal with the institution. That is to say, induction in the institution on fresh terms & conditions.

10. In view of the above, this Court is of the clear opinion that the petitioner would be entitled to the salary qua an aided post for the period from 01.08.2013 to 01.09.2013 only.

11. The respondents are directed to place on record the order whereby the payment of the salary with interest thereupon, qua the said period, is made to the petitioner.

12. List the matter on 13.03.2026.

(REKHA BORANA),J