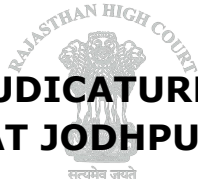


**HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR**



S.B. Civil Writ Petition No. 12191/2026

CNR: RJHC010528262026

URN: CW / 22101U / 2026

Sampati D/o Shri Prahlad Ray, Aged About 41 Years, R/o Village
And Post - Palri, Tehsil - Dhod, District - Sikar, Rajasthan.
Presently Posted As School Lecturer History.

-----Petitioner

Versus

1. State Of Rajasthan, Through The Secretary, Department
Of Education, Government Of Rajasthan, Jaipur,
Rajasthan.
2. The Director, Secondary Education, Bikaner, District
Bikaner, Rajasthan.

-----Respondents

For Petitioner(s) : Mr. M.L. Deora

For Respondent(s) : Mr. N.K. Mehta, Dy.G.C

HON'BLE DR. JUSTICE NUPUR BHATI

Order

14/07/2026

1. This writ petition has been filed by the petitioner with the
following prayers:-

"A. By an appropriate writ, order or direction, any order denying the Pay fixation, Seniority, Service Benefits and Notional Benefits of the petitioner as granted to lower meritorious for the post of School Lecturer in pursuance of the advertisement dated 16.10.2015 (Annex-1) may kindly be quashed and set aside.

B. By an appropriate writ, order or direction, the respondents may kindly be directed to give all benefits of Higher pay seniority, annual grade, increment, and other service benefits including the selection scale and all notional benefits to the petitioner for the post of School Lecturer (History) as lower meritorious candidates have been given the appointment and actual benefits in pursuance of the advertisement year, 2015 with all consequential benefits.

C. By an appropriate writ order or direction, the respondents may kindly be directed to grant the benefits like pay fixation, seniority and notional benefits as given to the lower meritorious candidates participating in the same selection process and actual benefits from similar date of joining on the post of School Lecturer.

E. Any other appropriate writ, order or direction which this Hon'ble Court may deem just and proper in the facts and circumstances of the case may kindly be passed in favour of the petitioners.

F. Writ petition filed by the petitioners may kindly be allowed with costs."

2. The brief facts of the case are that the petitioner possesses the qualifications of Graduation, Post-Graduation in History, and B.Ed., making her fully eligible for appointment as a School Lecturer (History). Pursuant to the advertisement dated 16.10.2015 issued by the Rajasthan Public Service Commission (RPSC) for recruitment to the post of School Lecturer, the petitioner submitted her online application, appeared in the examination, and performed well. During the selection process, several objections were raised regarding incorrect questions and erroneous answer keys. Thereafter, the RPSC declared the provisional result and cut-off marks, initially publishing only the roll numbers of selected candidates without disclosing marks or the final answer key. Subsequently, after prolonged litigation before the High Court and the Hon'ble Supreme Court concerning erroneous questions and answer keys, the RPSC revised the results in compliance with judicial directions. Following the revised selection process, counselling was conducted and appointments were issued in June 2017. Although the petitioner secured higher merit than several selected candidates in her category, she joined her duties on 30.06.2017 (afternoon), whereas certain lower-meritorious candidates joined on or before 30.06.2017 (forenoon).

Owing solely to this difference in the timing of joining, the respondents granted those lower-meritorious candidates annual increment and higher pay fixation from 01.07.2019, while the petitioner was placed at a lower stage of pay despite being senior in merit. At the relevant time, the applicable rules did not require completion of probation by 30th June for grant of annual increment; however, the respondents subsequently changed the rules and applied the amended provisions, resulting in an anomalous situation where the petitioner continues to receive lower pay than her juniors. The petitioner submitted detailed representations requesting removal of the pay anomaly and extension of notional benefits, relying upon various judicial precedents, including *Krishan Lal & Ors. v. State of Rajasthan*, *Manoj Khandelwal & Ors. v. State of Rajasthan*, and *Mahipal Manju v. State*, wherein similarly situated employees were granted notional pay fixation and consequential benefits. The respondents themselves also issued departmental directions, including letters dated 28.05.2021 and 08.01.2024, clarifying that a senior candidate in the same direct recruitment cannot be paid less than a junior and that such anomalies must be rectified. More recently, in *Raju Ram Kanwa & Anr. v. State of Rajasthan & Ors.* (S.B. Civil Writ Petition No. 5971/2026), the Hon'ble High Court held that all candidates appointed through the same recruitment process constitute a single class for the purpose of annual grade increments and directed the respondents to remove pay anomalies arising merely on account of different dates of joining. Despite the petitioner's case being squarely covered by the aforesaid judgments and departmental instructions, the respondents have

failed to rectify her pay fixation, compelling her to file the present writ petition seeking parity in pay, notional benefits, annual increments, and all consequential service benefits.

3. At the outset, learned counsel for the petitioner submits that the controversy involved in the matter is squarely covered by the order dated 24.03.2026, passed in the case of Raju Ram Kanwa & Ors. Vs. State of Rajasthan & Ors. (SBCWP No. 5971/2026). The relevant part of the order is reproduced hereunder:-

“8. Having considered the above contentions advanced by the learned counsel for both the parties, the undisputed facts in the present case are that the all the School Lecturers were selected and appointed in the same selection process in pursuance of the same advertisement for the post of School Lecturers. However, they were issued different appointment orders i.e. on 24.06.2021 to 27.06.2017.

9. Unequal pay fixation was the result of adopting of two different joining dates by the respondents. The persons who have joined their service prior to 30.06.2017 were granted one additional increment whereas, the present petitioners, who have joined their services subsequent to 30.06.2017, were granted one increment less than the other group of employees.

10. The procedure adopted by the respondents is contrary to the established principles of service jurisprudence. The candidates who have been selected, appointed and joined their services in the same recruitment process pursuant to the very same advertisement on the same post of School Lecturers but their appointment order were issued on different dates and they joined their services prior to 30.06.2017 and subsequent to 30.06.2017 but before the last cut-off date for joining i.e. 05.07.2017, they cannot be discriminated in the matter of fixation of pay. This Court is of the view that the respondents should have adopted either the first date of joining or the last date of joining with regard to the same recruitment process so as to extend the benefit of annual grant of grade increments. They cannot adopt two different dates of joining for extending the benefit of annual grade increments among the candidates in the same recruitment process.

11. The learned counsel appearing for the respondents tried to justify the action of the respondents in extending unequal benefit of granting one annual grade increment is mainly based on the Circular issued by the Department of Finance dated 30.09.2017. A perusal of the Circular makes it clear the same is contrary to the

settled/established principles of law and also against the spirit of Article 14 of the Constitution of India. There cannot be two different dates of joining for the purpose of granting of increments to the employees selected and appointed in the same recruitment process. Such discrimination committed by the respondents is unsustainable even if the same is based on the circular of the Finance Department. The respondents should have ignored the provisions of the Circular in the matter of granting annual grade increments.

12. The respondents should have adopted first date of joining or last date of joining so as to grant annual grade increments or any other date which should be before the last cut-off date for joining of the employees in the same recruitment process. They cannot be permitted to adopt two different dates of joining in respect of the candidates appointed in the same selection process for grant of increments and fixation of pay-scale.

13. Therefore, the action of the respondents in adopting two different joining dates for fixation of salary by giving annual grade increment to one and not to another is, in such circumstances, illegal and unsustainable.

14. In the result, the writ petitions are allowed. The actions of respondents in unequal fixation of pay among the persons selected and appointed in the same recruitment process based on their dates of joining are set aside. The respondents have to treat all such candidates as a single unit for grant of annual grade increments whether, they have joined prior to 30.06.2017 or subsequent to 30.06.2017. Any anomaly arising due to adoption of such improper dates of joining for the purpose of granting one annual grade increment among the candidates appointed in the same recruitment shall be rationalized and shall be corrected. For this purpose, if any correction is required to be carried out by the respondents, they may make necessary corrections in their official records in the matter of grant of annual grade increment after giving notice to affected parties. The respondents are directed to carry out the needful exercise after hearing all the parties concerned, within a period of one month from the date of receipt of a copy of this order.

15. All the pending applications, if any, shall stand disposed of."

4. Learned counsel for the respondents is not in a position to refute the fact that the issue involved in the writ petition is squarely covered by the order dated 24.03.2026 passed in the case of Raju Ram Kanwa (supra).

5. Thus, in view of the submissions made, the writ petition is allowed in the same terms as in the case of Raju Ram (supra.)

6. The actions of the respondents in unequal fixation of pay among the persons selected and appointed in the same recruitment process based on their dated of joining are set aside. The respondents have to treat all such candidates as a single unit for grant of annual grade increments whether, they have joined prior to 30.06.2017 or subsequent to 30.06.2017. any anomaly arising due to adoption of such improper dates of joining for the purpose of granting one annual grade increment among the candidates appointed in the same recruitment shall be rationalized and shall be corrected. For this purpose, if any correction is required to be carried out by the respondents, they may make necessary corrections in their official records in the matter of grant of annual grade increment after giving notice to affected parties. The respondents are directed to carry out the needful exercise after hearing all the parties concerned, within a period of one month from the date of receipt of a copy of this order.

7. All pending applications, if any, shall stand disposed of.

(DR. NUPUR BHATI),J