



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

S.B. Civil Writ Petition No. 13114/2026

CNR: RJHC010578332026

URN: CW / 23884U / 2026

1. Arvind Kumar Sharma S/o Shri Ladu Ram Sharma, aged about 55 years, R/o Shambhugarh, Asind, District - Bhilwara.
2. Ranvir Singh Rathore S/o Shri Ugarsingh Rathore, aged about 57 years, R/o Jagpura, Asind, District - Bhilwara.
3. Arjun Singh Chundawat S/o Shri Shankar Singh Chundawat, aged about 58 years, R/o Bhadu, Mandal, District - Bhilwara.
4. Ajeet Singh Chundawat S/o Shri Pratap Singh Chundawat, aged about 57 years, R/o Rajput Mohalla Baddu Bhilwara.
5. Hemendra Singh Chundawat S/o Shri Ghisu Singh, aged about 57 years, R/o Near Police Line Vivekanand Nagar, Vakil Colony, Bhilwara.
6. Kishan Singh Choudhary S/o Shri Jaglal, aged about 59 years, R/o Garhwalo Ka Khera, Bhilwara.
7. Bheru Lal Jat S/o Shri Mangi Lal Jat, aged about 58 years, R/o Bajiya Ki Khedi, Bagor, Bhilwara.
8. Ramchander Jat S/o Shri Leheru Lal Jat, aged about 59 years, R/o Chakher, Bhilwara.
9. Balu Ram Sharma S/o Shri Prahlad Rai Sharma, aged about 56 years, R/o Jai Nagar, Shambhu Garh, Bhilwara.
10. Rajendra Kumar Sethiya S/o Shri Ladu Ram Sethiya, aged about 54 years, R/o Tejaji Ka Chowk, Bagor, Bhilwara.
11. Nemi Chand Lodha S/o Shri Sohan Lal Lodha, aged about 58 years, R/o Near Lodha Ku Kuai, Kanwliyas, District - Bhilwara.
12. Bhagwat Singh Chundawat S/o Shri Balu Singh Chundawat, aged about 56 years, R/o Rajput Mohalla Chakher, Tehsil - Mandal, District - Bhilwara.
13. Raghvendra Singh Rathore S/o Shri Pratap Singh, aged about 58 years, R/o Garh Ka Chowk, Jagpura, District - Bhilwara.
14. Surya Pratap Detha S/o Shri Vijay Dan Detha, aged about 58 years, R/o Mod Ka Nimbahera, Tehsil Asind 311026,



District - Bhilwara.

15. Kesari Mal Khatik S/o Shri Nanu Ram Khatik, aged about 58 years, R/o Near Mangroap Bus Stand, Khatik Mohalla Mangroap, Tehsil Hameergarh, District - Bhilwara (Raj.) 311025.

-----Petitioners

Versus

1. The State of Rajasthan through the Principal Secretary, Department of School Education, Government of Rajasthan, Secretariat, Jaipur.
2. The Director, Secondary Education, Directorate, Government of Rajasthan, Bikaner.
3. The Director, Elementary Education, Directorate, Govt. of Rajasthan, Bikaner.
4. The Joint Director, Department of School Education, Ajmer Division, Ajmer.
5. The District Education Officer (Headquarter), Secondary Education, Bhilwara.
6. The District Education Officer (Headquarter), Elementary Education, Bhilwara.

-----Respondents

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| For Petitioner(s) | : | Mr. J.S. Bhaleria.      |
| For Respondent(s) | : | Mr. N.K. Mehta, Dy. GC. |

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**HON'BLE DR. JUSTICE NUPUR BHATI**

**Order**

**17/07/2026**

1. The present writ petition has been filed with the following prayers:

“xxxxxxx

(i) The impugned order Annexure P/6 dated 19.07.2014 passed by the respondent no. 5 may kindly be quashed and set aside and the respondents may kindly be directed to pass fresh order extending the benefits as granted by order dated 01.04.2026 (Annexure P/8) to the similarly situated persons with all consequential benefits.



(ii) The respondents may kindly be directed to consider the appointment petitioner from passing of the the order Annexure P/1 for all purposes including for the purpose of selection grade/ACP also. They may kindly be directed to extend the aforesaid benefits with all consequential benefits arrear of salary also. including the arrears of salary.

(iii) The writ petition filed by the petitioners may kindly be decided in terms of the judgment dated 20.01.2014 Annexure P/3 by granting the same benefits/relief.

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

(v) Writ Petition filed by the petitioners may kindly be allowed with cost."

2. Briefly stated, the facts of the case are that the petitioners were appointed to the post of PTI Grade III in 1996 pursuant to recruitment by the respondents, several of them receiving appointment orders dated 17.01.1996 and 27.03.1996, which specified their places of posting; they joined immediately at the schools shown in those orders and, after the summer vacation, were again issued appointment orders dated 24.06.1996 for the same posts and at the same places and permitted to rejoin on conclusion of the vacations. For all purposes the petitioners' date of appointment ought to have been the date specified in their first appointment orders issued before the summer vacation, and they ought to have been paid salary for the summer vacation period; instead, the respondents have treated their service as commencing only after they rejoined following the summer vacation (from July 1996) and have refused to pay salary for that period. A similar practice had occurred in respect of teachers appointed in 1992, and this Court in S.B.C.W.P. No. 3534/2009 (dated 20.01.2014) held that service must be reckoned from the first appointment order; that judgment was complied with and



benefits were granted to the petitioners in that matter. The present petitioners filed S.B. CWP No. 7995/2023, which was disposed of on 01.06.2023 permitting them to submit representations and directing the respondents to consider the same in light of the above judgment; pursuant thereto the petitioners submitted representations claiming the benefits awarded in Yogesh Kumar Pareek, but their representations were rejected by order dated 15.07.2024 despite the fact that the benefits of Yogesh Kumar Pareek have been extended across the State and in District Bhilwara. Similarly situated persons in Bhilwara filed S.B. CWP No. 2520/2026 (Dinesh Somani & others v. State & others), and by order dated 10.02.2026 those persons were granted relief consistent with Yogesh Kumar Pareek; respondent No.5 thereupon passed specific orders granting all consequential benefits. Thus, while similarly placed persons in other districts and certain persons in Bhilwara have received the relief flowing from Yogesh Kumar Pareek (see annexures P/7 and P/8), the petitioners alone have been denied identical relief by order dated 19.07.2024 (Annexure-P/6), which is arbitrary and unjustified since there is no valid basis to apply different standards to persons in identical circumstances and thus 19.07.2024 (Annexure-P/6) is liable to be quashed and set aside.

3. Counsel for the petitioners submits that the issue involved in the present writ petition has already been adjudicated by the Coordinate Bench of this Court vide order dated 07.04.2026 passed in the case of **Bhupesh Kumar Ozha v. State of Rajasthan & Ors. : SBCWP No.14704/2025.**



4. The order dated 07.04.2026 passed in the case of **Bhupesh Kumar Ozha (supra)**, is reproduced hereunder:

“1. Aggrieved by order dated 14.06.2024 issued by District Education Officer (Headquarter), Secondary Education, Sirohi, whereby representation filed by the petitioner in compliance of order dated 02.12.2023 passed by Co-ordinate Bench of this Court has been dismissed and benefit of salary of the summer vacation has been denied to the petitioner, he has filed the present writ petition and has also prayed for consequential benefits.

2. It is submitted by learned counsel for the petitioner that the petitioner was initially appointed after following due process of recruitment in accordance with Rajasthan Education Subordinate Service Rules, 1971 (for short 'the Rules of 1971') vide order dated 12.01.1997 on temporary basis. However, in quite arbitrary manner, the petitioner was not granted salary for the summer vacation of the year 1997 allegedly on the ground that as per Note 1 of Rule 97 of Rajasthan Service Rules, decision has been taken by the State Government not to grant salary to the persons, who were appointed on temporary basis after 31st of December in a particular year.

3. Learned counsel submits that earlier also, petitioner filed S.B. Civil Writ Petition No.16568/2023 before this Court, which was disposed of vide order dated 02.12.2023 in presence of counsel for the respondents, wherein the petitioner relied upon the judgment of Co-ordinate Bench of this Court in the case of **Yogesh Kumar Pareek Vs. State of Rajasthan & Ors. (S.B. Civil Writ Petition No.3534/2009 decided on 20.01.2014)**, and while disposing of earlier writ petition filed by the petitioner, the Co-ordinate Bench of this Court directed the petitioner to submit a representation before the Competent Authority with further directions to the Authority to consider and decide the representation by a reasoned and speaking order.

4. It is further submitted that in compliance of order dated 02.12.2023, the petitioner submitted representation before the District Education Officer (Headquarter), Secondary Education, Sirohi, however, the same has been dismissed by a cryptic order dated 14.06.2024 without assigning any rational and cogent reasons.

5. Learned counsel for the petitioner, while assailing the order dated 14.06.2024, submitted that the order passed by the respondents is contrary to the decision given by the Co-ordinate Bench of this Court in the case



of **Yogesh Kumar Pareek (supra)**, where the issue has already been decided and similarly situated persons were held entitled for salary of summer vacation irrespective of the fact that they were also appointed on temporary basis.

6. Learned counsel for the petitioner further submits that there cannot be any rational object in discriminating the persons appointed prior to 31st of December or subsequent thereto. Moreso, when date of appointment has got no co-relation with the salary admissible for summer vacation, particularly when the petitioner was appointed strictly in accordance with the recruitment process undertaken under the Rules of 1971. Denying such benefits to the petitioner is quite discriminatory, for the reasons that in the light of judgment of **Yogesh Kumar Pareek (supra)** as well as in respect of other similar decisions, the respondents have already granted such benefits to similarly situated persons.

7. Learned Deputy Government Counsel vehemently opposed the writ petition by raising an objection of maintainability of writ petition by stating that the petitioner was initially appointed in the year 1997 and is claiming salary of summer vacation of the year 1997 by way of filing writ petition in the year 2025. Thus, quite apparently the writ petition filed by the petitioner is suffering from the vice of delay and laches and, therefore, this Court may not exercise its writ jurisdiction in favour of a person, who was not vigilant about his right. In support of objection with regard to delay and laches, learned counsel for the respondents placed reliance upon order dated 14.01.2026 passed by Co-ordinate Bench of this Court in **S.B. Civil Writ Petition No.18758/2025 (Tara Ram Sudi Vs. State of Rajasthan & Ors.)** and order dated 08.04.2025 passed in **S.B. Civil Writ Petition No.5703/2024 (Smt. Munni Vs. State of Rajasthan & Ors.)**.

8. Learned counsel for the respondents further submitted that judgment of **Yogesh Kumar Pareek (supra)** cannot be made applicable in the instant case as the same was passed long back and delay in the case of **Yogesh Kumar Pareek (supra)** was not as long as in the instant case.

9. Learned counsel for the respondents further submits that the issue with regard to grant of salary to the temporary employees appointed subsequent to 31st of December is dealt with in accordance Rule 97 of Rajasthan Service Rules, and pursuant thereto Government decision was taken not to grant salary to the persons appointed subsequent to 31st of December of every year.



10. Heard learned counsel for the parties and perused the record.

11. It has not been disputed that the similar issue on merits has been dealt with by the Co-ordinate Bench of this Court in the case of **Yogesh Kumar Pareek (supra)**, wherein it has been held that there is no valid justification in denial of benefit of salary of summer vacation and increment to the persons appointed after 31st of December and relying upon such order passed in the case of **Yogesh Kumar Pareek (supra)**, many other orders have been passed subsequently by the different Co-ordinate Benches of this Court.

12. As regards question of delay and laches raised by the learned counsel for the respondents, this Court examined the earlier order dated 02.12.2023 passed by the Co-ordinate Bench of this Court in the case of the petitioner which was decided in presence of the Government Counsel. This Court finds that the issue raised by the petitioner in the earlier writ petition also relates to grievance of the petitioner with regard to non payment of salary for summer vacation. However, in the said writ petition, no objection with regard to delay and laches was raised on behalf of respondent-Government. The Co-ordinate Bench of this Court, while deciding earlier writ petition of the petitioner vide order dated 02.12.2023, took note of order passed in the case of **Yogesh Kumar Pareek (supra)** and since, the issue was no longer res integra, the writ petition was disposed of by directing the petitioner to submit a representation before the respondents.

13. The representation filed by the petitioner has been decided by the respondents vide order dated 14.06.2024. Thus, it is clear that fresh cause of action has arisen to the petitioner after passing of order dated 14.06.2024. Since, issue with regard to delay was neither raised, nor decided by the Co-ordinate Bench of this Court, yet it can be presumed that the Co-ordinate Bench of this Court was conscious enough with regard to alleged delay and it is also a matter of fact that order dated 02.12.2023 passed by Co-ordinate Bench of this Court in the earlier writ petition of the petitioner has attained finality and was never challenged by the respondents. As such, this Court finds that in view of the fresh order having been passed on 14.06.2024 giving rise to fresh cause of action, there is no undue delay in approaching this Court by way of filing the present writ petition and the objection raised by learned counsel for the respondents is hereby rejected.

14. This Court also considered order dated 14.06.2024 passed by District Education Officer (Headquarter), Sirohi, whereby representation filed by the petitioner has been dismissed. In considered



opinion of this Court, the order is totally unreasoned and non speaking. While deciding the earlier writ petition of the petitioner, this Court took note of the earlier judgment in the case of **Yogesh Kumar Pareek (supra)**, it was incumbent upon the respondents to consider the effect, applicability and consequence of judgment in the case of **Yogesh Kumar Pareek (supra)**, but apparently such judgment has never been considered by the respondents.

15. As observed hereinabove, since the issue has already been discussed and decided in the case of **Yogesh Kumar Pareek (supra)**, there is no reasons for taking a different view by this Court. Hence, in view of foregoing discussions, order dated 14.06.2024 passed by the District Education Officer (Headquarter) Secondary Education, Sirohi is hereby quashed and set aside and the respondents are directed to sanction and grant benefit of salary of summer vacation of the year 1997 to the petitioner. Such period shall also be computed for all the service benefits and petitioner shall also be entitled for all consequential benefits.

16. Necessary orders in this regard shall be passed by the respondents within a period of 60 days from the date of receipt of copy of this order.

17. Writ Petition stands allowed accordingly.

18. Pending application(s), if any, stand(s) disposed of.”

5. Learned counsel appearing on behalf of respondents is not in a position to refute the submissions made by counsel for the petitioners.

6. In view of the above, the writ petition is allowed in the same terms as in the case of **Bhupesh Kumar Ojha (supra)**.

7. The order dated 14.06.2024 passed by the District Education Officer (Headquarter) Secondary Education, Sirohi is hereby quashed and set aside and the respondents are directed to sanction and grant benefit of salary of summer vacation of the year 1996-97 to the petitioners. Such period shall also be computed for all the service benefits and petitioners shall also be entitled for all consequential benefits. Necessary orders in this



regard shall be passed by the respondents within a period of '60 days' from the date of receipt of copy of this order.

8. Stay application as well as all other pending applications, if any, also stand disposed of.

**(DR. NUPUR BHATI),J**