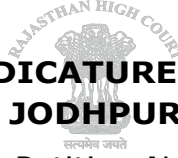




**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**



S.B. Civil Writ Petition No. 15908/2024

1. Deepender S/o Uttam Chand, Aged About 44 Years, Ward No.23, Behind Bishnoi Mandir, Sangaria, District Hanumangarh, Presently Posted As School Lecturer Biology.
2. Uttam Kumar S/o Natthu Ram, Aged About 41 Years, Village Nuwa, Post Kanau, Tehsil Bhadra, District Hanumangarh. Presently Posted As School Lecturer Biology.

-----Petitioners

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. Bhupesh Charan for Mr. N.K. Mehta, GC.

HON'BLE DR. JUSTICE NUPUR BHATI

Order

25/02/2026

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

- A. By or an appropriate writ, order direction, orders of respondents dated 29.08.2023 (Annex-7) and 30.10.2017 (Annex-8) or by verbally restricting/denying the Pay fixation, Seniority, Service Benefits and Notional Benefits of the petitioners as granted to lower meritorious for the post of School Lecturer (Geography) 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, rejection orders (Annex-9) of denying the Pay fixation, Seniority, Service Benefits and Notional Benefits of the petitioners



as granted to lower meritorious for the post of School Lecturer (Geography) in pursuance of the advertisement dated 16.10.2015 (Annex-1) may kindly be quashed and set aside. or

C. By an appropriate writ, order 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 for the post of School Lecturer (Geography) as similarly situated candidates and lower meritorious candidates have been given all benefits in pursuance of the advertisement year, 2015 with all consequential benefits.

D. 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 granted and given to the similarly situated candidates and lower meritorious candidates appointed and joined in the similar manner in the same selection process and actual benefits from similar date of joining on the post of School Lecturer.

E. By an appropriate writ, order or direction, the respondents may kindly be directed to grant the entire benefits including the prevailing interest to the petitioners as per the Hon'ble High Court orders.

xxxxxxx"

2. Brief facts giving rise to instant petition are that the petitioners were appointed as School Lecturer (Biology) pursuant to Advertisement dated 16.10.2015 issued by the Rajasthan Public Service Commission under the Rajasthan Educational Service Rules, 1970. The petitioners, being fully qualified and higher in merit, were issued appointment orders dated 24.06.2017 with last date of joining as 05.07.2017, and they joined their duties on 04.07.2017 within the prescribed joining period after completing all necessary formalities including relieving from previous departments, medical verification, and submission of required documents. However, certain lower-meritorious candidates from the same selection process who joined earlier were granted pay fixation and annual increment from an earlier date, whereas the petitioners were fixed at a lower pay scale and granted increment



at a later date, despite being senior and higher in merit. Subsequently, the respondents applied Notification dated 30.10.2017 regarding revised pay fixation and increment to the petitioners, even though the petitioners were appointed prior to issuance of the said notification. The petitioners submitted representations seeking pay fixation, increment, seniority, and consequential benefits at par with similarly situated candidates, but the respondents rejected their claim vide order dated 29.08.2023. Similarly situated candidates appointed under the same advertisement have been granted such benefits, and even the respondents have issued directions to remove pay anomalies between senior and junior candidates. Being aggrieved thereof, petitioners have preferred the present writ petition.

3. Learned counsel for the petitioner submits that the issue involved in the present writ petition is squarely covered by the order dated 22.01.2026 passed in the case of **Kirodi Lal Meena Vs. State of Rajasthan & Anr.: SBCWP No.339/2026**, wherein, the Coordinate Bench of this Court has allowed the writ petition.

4. Learned counsel for the respondent is not in a position to refute that the issue involved in the present writ petition is squarely covered by the order dated 22.01.2026 passed in Kirodi Lal Meena (supra).

5. The order dated 22.01.2026 passed in Kirodi Lal Meena (supra) is reproduced as under:-

"8. Having considered the above contentions advanced by the learned counsel for both the parties, the undisputed facts in the present case are that 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 23.06.2017, 27.06.2017 and 28.06.2017.

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. 10.07.2017, 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.”

6. In view of the submissions made by learned counsel for the parties and considering that the controversy involved in the present writ petition is squarely covered by the judgment dated 22.01.2026 passed by the Coordinate Bench of this Court in ***Kirodi Lal Meena Vs. State of Rajasthan & Anr., S.B. Civil Writ Petition No. 339/2026***, and further that learned counsel for the respondents is not in a position to dispute the applicability of the said judgment, this Court finds no reason to take a view different from the one already taken.

7. Accordingly, the present writ petition is allowed in terms of the order dated 22.01.2026 passed in *Kirodi Lal Meena (supra)*. The impugned orders dated 29.08.2023 (Annexure-7) and the consequent orders of rejection (Annexure-9), to the extent they deny the petitioner pay fixation, seniority, service benefits, annual



grade increment and notional benefits as granted to similarly situated candidates appointed pursuant to the same advertisement dated 16.10.2015, are hereby quashed and set aside.

8. The respondents are directed to treat the petitioner at par with other candidates selected and appointed in the same recruitment process and to grant all consequential benefits including proper pay fixation, seniority, annual grade increment(s), selection scale, notional benefits and other service benefits, as have been extended to similarly situated candidates and even to those lower in merit. The respondents shall carry out the necessary exercise and rectify the service record of the petitioner accordingly within a period of one month from the date of receipt of a certified copy of this order.

9. Pending applications, if any, also stand disposed of.

(DR.NUPUR BHATI),J

333-/Devesh/-