

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

S.B. Civil Writ Petition No. 15899/2023

1. Poonam Acharya D/o Brijbihari Acharya, Aged About 37 Years, Chawanda Colony D Road, Bilara, District Jodhpur, Rajasthan.
2. Sunita Singh W/o Shri Anjani Singh, Aged About 39 Years, R/o Plo Tno. 8, Gandhi Nagar, Behind Rajasthan Patrika, Pali, Rajasthan.
3. Preeti Sharma W/o Rajesh Sharma, Aged About 48 Years, R/o Jawahar Nagar, Ward 19 Pratapnagar, Pratapnagar, Rajasthan.
4. Dimple Kanwar D/o Govardhan Singh, Aged About 37 Years, R/o Village Post Panchalwada, Tehsil Bali, District Pali, Rajasthan.

----Petitioners

Versus

1. State Of Rajasthan, Through The Additional Chief Secretary, Rural Development And Panchayati Raj Department, Government Of Rajasthan, Secretariat, Jaipur, Rajasthan.
2. The Director And Ex-Officio Special Secretary, Watershed Development And Soil Conservation Department, Pant Krishi Bhawan, Jaipur, Rajasthan.
3. The Superintending Engineer And Project Manager, Watershed Cell Cum Data Center, Zila Parishad Jodhpur, District Jodhpur, Rajasthan.
4. The Superintending Engineer And Project Manager, Watershed Cell Cum Data Center, Zila Parishad Udaipur, District Udaipur, Rajasthan.
5. The Superintending Engineer And Project Manager, Watershed Cell Cum Data Center, Zila Parishad Pali, District Pali, Rajasthan.
6. The Superintending Engineer And Project Manager, Watershed Cell Cum Data Center, Zila Parishad Pratapgarh, District Pratapgarh, Rajasthan.

----Respondents

For Petitioner(s)	:	None present
For Respondent(s)	:	Mr. Yogesh Sharma for Mr. I.R. Choudhary

HON'BLE MR. JUSTICE FARJAND ALI

Order

24/03/2026

1. None appears on behalf of the petitioner.
2. Learned counsel appearing for the respondents submits that the controversy involved in the present writ petition stands squarely covered by an order passed by the coordinate bench of this Court being S.B. Civil Writ Petition No. 11528/2023 **Ramkishor Inaniyan v. State of Rajasthan** decided on 07.01.2025, wherein the issue has already been adjudicated.
3. For ready reference, relevant paragraphs of the judgment are reproduced hereinbelow:-

"17. So far as petitioners' entitlement to be absorbed/adopted under the Rules of 2022 is concerned, the same is not in dispute, except for the educational qualification.

18. It is to be noted that the Director-respondent No.2 had favorably recommended petitioners' cases to be adopted under the Rules of 2022, but the reason for which the State has turned down the petitioners' names in the list of employees to be absorbed/adopted under the Rules of 2022 on 07.08.2023 is, that they do not possess educational qualification as has been prescribed.

19. Rule 7 of the Rules of 2022 reads thus:- Qualifications and eligibility criteria for appointment:- "The academic qualification, experience, duties, responsibilities of the post created under these rules shall be decided by the Administrative Department with the concurrence of the Department of Personnel and Finance Department."

20. Learned Government Counsel has pointed out that the educational qualification which has been prescribed for subject expert (Civil and Agriculture) is diploma/degree in Civil and Agriculture Engineering,

whereas the petitioners are having diploma/degree in Mechanical and Electrical Engineering. He has however, not placed on record any decision/resolution as provided under above quoted Rule 7.

21. It is to be noted that when the petitioners were firstly engaged in the year, 2012, they had been engaged regardless of the fact that they were having diploma/degree in Mechanical and Electrical Engineering, as requisite number of persons having diploma/degree in Agriculture/Civil were not available. Such relaxation too was granted in light of the terms of advertisement as reproduced in Para No.4 above.

22. According to this Court, when the petitioners were engaged as WDT as per education qualification which they possessed, no fault can be found in their eligibility under the Rules of 2022. What has been relied upon by the State is note-sheet fixing the honorarium/remuneration and not the educational qualification.

23. Even if it is taken to be prescription of educational qualification, then also this Court feels that while prescribing the educational qualification to be considered under the Rules of 2022, the competent authority could not prescribe the educational qualification other than what was prescribed while engaging them in the year 2012.

24. Since, the petitioners were engaged as WDT and had discharged their services for requisite number of years, the action of the respondents in depriving them of their right to be adopted/engaged under the Rules of 2022 cannot be countenanced.

25. The action of the respondent has led to hostile discrimination against the petitioners on no intelligible criteria. Having worked for equal number of years, the WDT having diploma/degree in Agriculture or Civil cannot be considered different or at a higher pedestal

than the petitioners who have diploma/degree in Mechanical and Electrical Engineering.

26. The petitioners' cases have been turned down on absolutely untenable and unsustainable ground, more particularly, when prescription of educational qualification is not a part of the Rules of 2022 and the same has been delegated to Department of Personnel and Finance Department, and there is nothing on record to show that the candidates having degree or diploma in Electrical or Mechanical were not eligible.

27. That apart, the Director-respondent No.2 had favorably recommended petitioners' case and there is nothing adverse against them.

28. For the reasons foregoing, the writ petition is allowed.

29. The respondents are directed to issue appropriate administrative order adopting/absorbing the petitioners under the Rules of 2022, if they are otherwise eligible. Requisite order be passed within a period of two months from today.

30. Stay application also stands disposed of, accordingly."

4. In view of the aforesaid submission and the fact that the controversy is no longer *res integra*, the present writ petition is disposed of in terms of the judgment passed in the case of **Ramkishor Inaniyan** (supra).
5. Stay petition also stands disposed of.
6. Pending applications, if any, stand disposed of.

(FARJAND ALI),J