



HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR 2026:RJ-JD:13956

S.B. Civil Writ Petition No. 17422/2025

Dharmendra Kumar Jatav S/o Ramprasad, Aged About 62 Years,
Resident of Ambe Vihar, B K Kaulnagar, Ajmer, Rajasthan.

-----Petitioner

Versus

1. The State of Rajasthan, through Secretary, Department of Education (Secondary, Primary and Language), Secretariat, Jaipur.
2. The State of Rajasthan, through the Director, Directorate Of Secondary Education, Rajasthan, Bikaner.

-----Respondents

Connected With

S.B. Civil Writ Petition No. 13306/2025

Ashok Kumar Shrotriya S/o Rameshwar Lal, Aged About 64 Years, Resident of E-479/80, Shivaji Marg, Pathik Nagar, Bhillwara- 311001.

-----Petitioner

Versus

1. The State Of Rajasthan, through Secretary, Department of Education (Secondary, Primary and Language), Secretariat, Jaipur.
2. The State Of Rajasthan, Through The Director, Directorate Of Secondary Education, Rajasthan, Bikaner.

-----Respondents

S.B. Civil Writ Petition No. 18131/2025

Kesar Singh Chouhan S/o Govind Singh, Aged About 74 Years, Resident of C/o K P Chouhan, Mangal Colony, Gandhi Nagar, Ajmer Road, Beawar, Rajasthan.

-----Petitioner

Versus

1. The State Of Rajasthan, through Secretary, Department of Education (Secondary, Primary and Language), Secretariat, Jaipur.
2. The State of Rajasthan, through the Director, Directorate Of Secondary Education, Rajasthan, Bikaner.



-----Respondents

S.B. Civil Writ Petition No. 18751/2025

Rajendra Prakash Mathur S/o Bheru Lal Mathur, Aged About 68 Years, Resident of Vashali Nagar, Near Dali Bai Circle, Chopasani, Jodhpur.

-----Petitioner

Versus

1. The State of Rajasthan, through Secretary, Department of Education (Secondary, Primary and Language), Secretariat, Jaipur.
2. The State of Rajasthan, through the Director, Directorate Of Secondary Education, Rajasthan, Bikaner.

-----Respondents

For Petitioner(s)	:	Dr. Kshamendra Mathur, Adv.
For Respondent(s)	:	Mr. Bhupesh Charan on behalf of Mr. N.K. Mehta, Govt. Counsel

HON'BLE MR. JUSTICE MUNNURI LAXMAN**Order****Order Reserved on : 28/01/2026****Order Pronounced on : 27/03/2026**

1) The present writ petitions have been filed by the petitioners seeking directions to the respondents to fix their pay scale and grade pay in the cadre of Principal for the period they were appointed on a temporary officiating basis i.e. "Patey Vetan" on 11.08.2007, 01.10.2007, 08.10.2003, and 26.10.2009, respectively. They have also sought directions for the payment of arrears and for the revision of their pension accordingly.

2) For the sake of brevity, the facts stated in S.B. Civil Writ Petition No.17422/2025 (Dharmendra Kumar Jatav Vs. State



of Raj. & Anr.) are referred to hereinafter for the disposal of all the aforementioned writ petitions. The case of the petitioner is that he was initially appointed as Head Master, *Government Secondary School* on 21.02.1995. By order dated 04.08.2007, he was appointed on a temporary officiating basis to the post of Principal, Government Senior Secondary School, with the condition that he would continue to draw the pay scale of his substantive post. Subsequently, a Departmental Promotion Committee (DPC) was convened in 2013 for promotions against vacancies for the year 2007–2008. Pursuant to the DPC's recommendation, the petitioner was reappointed to the same post that he had been holding on a temporary officiating basis ("Patey Vetan"). The petitioner re-joined on the said post on 13.05.2013. Thereafter, the petitioner retired without his pay being fixed in the higher pay scale of the post of Principal for the period of temporary officiation and without being granted continuity of service for that purpose.

3) The issue involved in all these writ petitions is whether the petitioners, who were directed to hold the higher post of Principal, Government Senior Secondary School on a temporary officiating basis (i.e., "Patey Vetan") with the condition that they would be entitled only to the pay scale of their substantive post, are nevertheless entitled to the pay-scale of the higher post on which they officiated.

4) The contentions of learned counsel for the petitioners are that the petitioners were eligible for promotion when they were appointed on a temporary officiating basis to the higher post of



Principal. However, they were not promoted through a regular Departmental Promotion Committee (DPC), which was convened only in the year 2013 for the vacancies of 2007–2008. Learned counsel submits that the petitioners' temporary officiation was due to the failure to convene the DPC in time, and no fault can be attributed to them in this regard. Therefore, the petitioners are entitled to the pay scale of the higher post from the date of temporary officiation, along with continuity of service, arrears, and appropriate fixation of pay, notwithstanding the fact that they were holding the post of Principal, Senior Secondary School on a temporary officiating basis.

5) It is also the contention of the petitioners that the issue involved in the present writ petitions has already been decided by this Court in various judgments i.e. (i) **State of Rajasthan Vs. Laxmi Narayan Soni & Ors.** [D.B. Special Appeal (Writ) No.821/2019, decided on 31.07.2019, (ii) **State of Rajasthan Vs. Vijay Kumar Damor & Ors.** [D.B.Civil Special Appeal (Writ) No.314/2023], decided on 18.11.2013 (iii) **Champalal Vyas Vs. State of Raj. & Anr.** [S.B.Civil Writ Petition No.6881/2015], decided on 23.07.2018, (iv) **Vijay Kumar Damor Vs. State of Raj. & Ors.**, [S.B.Civil Writ Petition No.6547/2011], decided on 19.09.2012, and (v) **Deen Dayal Garg Vs. State of Raj. & Anr.**, [S.B.Civil Writ Petition No.6653/2023], decided on 24.05.2023. Learned counsel for the petitioner has also relied upon the decision of this Court rendered in a batch of writ petitions led by S.B. Civil Writ Petition No.6881/2015 (**Champalal Vyas Vs.**



State of Rajasthan & Anr.), decided on 23.07.2018. The petitioners are seeking parity. Therefore, the petitioners prayed that the writ petitions are liable to be allowed on the same ground.

6) Per contra, the learned counsel for the respondents contend that the petitioners were officiating in the higher post of Principal on a temporary basis, subject to the condition that they would not be entitled to the pay scale of the higher post, but only to the pay scale of the substantive posts they held. The petitioners had consented to such temporary officiation, and having given their consent, they cannot now turn back and claim fixation of the higher pay scale with effect from the date on which they were temporarily officiated in the higher post.

7) It is also the contention of learned counsel for the respondents that the persons appointed to a higher post on a stop-gap basis are not entitled to regular promotion or any other benefits. They had accepted the pay of substantive post and drew the same for a few days; therefore, they cannot now turn back and claim fixation of pay.

8) I have considered the rival contentions of both the parties and carefully perused the material available on record.

9) The judgment rendered in **Champalal Vyas's** case (cited supra) involves similar facts, except the posts the petitioners herein were appointed on a temporary officiating basis. The issue in that case was whether persons who had been allowed to work for a long period in an officiating capacity on a higher post were entitled to pay fixation in the pay scale of the higher post, along with continuity of service and



arrears. This Court held that such long-term appointments cannot be treated as stop-gap arrangements, and that no fault could be attributed to the petitioners therein. It was further held that they were entitled to promotion from the date on which they began officiation in the higher post, and that their regular promotion had been delayed due to the failure to convene the DPC in a timely manner. Accordingly, the Court held that they were entitled to pay fixation in the post of Principal from the date of their initial temporary officiating appointment to the higher post, and not from the date of their regular promotion.

10) In view of the settled legal position, this Court is inclined to dispose of all these writ petitions as follows:-

- (i) The petitioners, Dharmendra Kumar Jatav, Ashok Kumar Shrotriya, Kesar Singh Chouhan, and Rajendra Prakash Mathur, are entitled to fixation of pay in the post of Principal from the dates on which they were temporarily officiating, i.e., 11.08.2007, 01.10.2007, 08.10.2003, and 26.10.2009, respectively.
- (ii) The petitioners are also entitled to all consequential benefits, including the benefit of pay fixation and arrears. The re-fixation shall be carried out within a period of three months from today, and upon such re-fixation, the arrears so determined shall be paid to the petitioners within a further period of two months thereafter, failing which the respondents are liable to pay interest at the rate of 8% per annum on such amount.

11) In the circumstances, no order as to costs.

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[CW-17422/



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12) Pending interlocutory applications, if any, shall stand disposed of.

(MUNNURI LAXMAN),J

NK/-