

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

D.B. Spl. Appl. Writ No. 1826/2025

1. State Of Rajasthan, Through The Secretary, Department Of Education, Government Of Rajasthan, Jaipur, Rajasthan.
2. The Secretary, Department Of Rural Development And Panchayati Raj, Government Of Rajasthan, Jaipur.
3. Director, Elementary Education, Bikaner.
4. The District Education Officer, (Elementary Education), Jaisalmer (Rajasthan).

----Appellants

Versus

1. Master Kamal Kishore Meena S/o Shri Seeta Ram Meena, Aged About 39 Years, R/o V/p Ganeshganj, Tehsil-Pipalda, District-Kota. At Present Working At Government Upper Primary School, Nagar, P.s. Sam, District-Jaisalmer.
2. Snaulla S/o Shri Banchoo Khan, Aged About 32 Years, R/o Village Ranjeetpura, Post Jamla, Tehsil-Pokran, District-Jaisalmer. At Present Working At Government Upper Primary School, Meakuba Bandhewa, P.s. Pokaran, District-Jaisalmer (Rajasthan).

----Respondents

For Appellants : Mr. Deepak Chandak

**HON'BLE THE ACTING CHIEF JUSTICE MR. SANJEEV PRAKASH SHARMA
HON'BLE MR. JUSTICE BALJINDER SINGH SANDHU**

Order

27/02/2026

1. Learned counsel for the appellant submits that the issue raised in present appeal stands covered by the judgment passed in the case of ***State of Rajasthan and Ors. V. Dal Chand Jat¹*** and other connected matters decided by the Co-ordinate Bench of this Court at Jaipur on 13.11.2025 wherein the Division Bench has held as under:

1 D.B. Special Appeal Writ No.293/2020

"19. Thus, it is apparent that the law laid down by the Apex Court of not allowing recovery of excess payment made without any misrepresentation or fraud on the part of the employee is a law of equity. A person who is working with the State Government is not authorized to make his own pay fixations.

20. In the present case on account of wrongful interpretation at the hands of the concerned District Education Officer and the Account Officers, the pay fixations were done from the initial date of appointment without taking into consideration the probationer trainee period.

21. The writ petitioners, therefore, cannot be said to be at fault, hence, while we uphold the order passed by the State Government for making re-fixation done only after considering the probationer trainee period, we do not find it a case where we should allow the State to make recoveries from the teachers who are at the lowest rank of the services namely; on the post of Teacher Gr-III.

22. Our view is also buttressed from the latest views taken by the Apex Court following the aforesaid judgment of "Thomas Daniel"(supra) and "Rafiq Masih (White Washer)"(supra) in the case of "Jogeswar Sahoo & Ors. vs. The District Judge, Cuttack & Ors.":2025 INSC 449 and the earlier judgment of "Jagdish Prasad Singh Vs. State of Bihar & Ors.":2024 INSC 591.

23. We, accordingly, modify the judgment passed by the learned Single Judge to the aforesaid extent. All the appeals are, accordingly, partly allowed.

24. All pending applications stand disposed of.

25. A copy of this order be placed in each connected files."

2. In view of the above, the present special appeal is also decided *mutatis mutandis* and is accordingly disposed of.

3. All pending applications also stand disposed of.

(BALJINDER SINGH SANDHU),J (SANJEEV PRAKASH SHARMA),ACJ