

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

S.B. Civil Writ Petition No. 17383/2025

Shakshee Nama D/o Ghanshyam Dutt Nama, Aged About 36 Years, R/o 14, Major Kanwar Singh Nagar, Phase-1, Chordungari, Jaipur Road, Alwar, District Alwar, Rajasthan.

-----Petitioner

Versus

1. The State Of Rajasthan, Through Its Secretary, Department Of Education, Government Secretariat, Rajasthan, Jaipur.
2. The Director, Elementary Education, Rajasthan, Bikaner.
3. The District Education Officer (Headquarter), Elementary Education, Jodhpur.
4. The Chief Block Elementary Education Officer, Bawari, District Jodhpur.
5. The Panchayat Elementary Education Officer, Kelawa Kalan, Block Bawari, District Jodhpur.

-----Respondents

Connected With

S.B. Civil Writ Petition No. 17555/2025

Dashrath Singh Gurjar S/o Mahaveer Singh Gurjar, Aged About 32 Years, R/o Village Basara, Post Sikandra, Tehsil Sikrai, District Dausa, Rajasthan.

-----Petitioner

Versus

1. The State Of Rajasthan, Through Its Secretary, Department Of Education, Government Secretariat, Rajasthan, Jaipur.
2. The Director, Elementary Education, Rajasthan, Bikaner.
3. The District Education Officer (Headquarter), Elementary Education, Jodhpur.
4. The Chief Block Elementary Education Officer, Bawari, District Jodhpur.
5. The Panchayat Elementary Education Officer, Kelawa Kalan, Block Bawari, District Jodhpur.

-----Respondents

For Petitioner(s) : Mr. Dilip Kumar
Mr. Harsh Gupta
For Respondent(s) : Mr. Samarjeet Singh Bhati for
Mr. Kamlesh Sharma, AGC

HON'BLE MR. JUSTICE KULDEEP MATHUR

Order

07/05/2026

1. Learned counsel for both the parties submits that in similar circumstances, this Court has passed the following order in **S.B.**

CWP No.3063/2019 titled as '**Dal Chand Jat Vs. The State of**

Rajasthan & Ors.':-

"After hearing counsel for the parties and perusing record of the case, this Court finds that the purport of the case law mentioned above are that the petitioners, who were equally entitled and eligible to be appointed on the post of Teacher Gr.-III where out of advertisement of 2012-2013 at level I and level II for various subjects are to be treated at par with each other. The discrimination on account of joining duties due to various bone of contentions relating to eligibility and qualifications have been nullified by aforesaid judgments, including in the case of Hemlata Shrimali (supra) and since all the candidates who are now found eligible and as per existing case law and the judgments of the Apex Court, they have to be treated at par with each other. There cannot be any doubt regarding expressions made by this Court in the previous litigation that these all the petitioners who stand in merit and who have qualified 2012-2013 recruitment for the post of Teacher Grade-III would be entitled for the notional benefits for the purpose including pay fixation and seniority from the date their equivalent or lesser merit person in that phase of recruitment was given such benefits. This Court also finds that focal averment raised by the respondents that no monetary benefits can be accorded to the petitioners for the period when they were not actually discharging services, is also a consistently answered in the precedent of law laid down by this Court. Thus, taking strength from the same precedent of law as cited by these petitions are counsel for the parties, disposed off with a direction to the respondents that petitioners shall be paid the notional benefits, including benefits of seniority and pay fixation from the stage when the appointment of persons at the same or lesser merit were appointed. However, no monetary benefits where the petitioners not having discharged actual services would be payable.

Needless to say that any notional fixation or any notional benefits which has resulted into current where the payment and current position petitioners are discharging their services, shall not be recovered and shall be continued to be paid."

2. Learned counsel for both the parties further submits that the special appeal preferred against the order dated 13.08.2019 passed in ***Dal Chand Jat(supra)*** has been rejected by the Hon'ble Division Bench.

3. In that view of the aforesaid joint statement made at bar by the learned counsel for both the parties, the present writ petition is disposed of in the same terms as passed in the case of ***Dal Chand Jat(supra)***.

(KULDEEP MATHUR),J

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