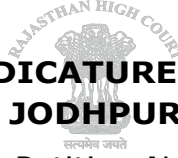




**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**



S.B. Civil Writ Petition No. 21975/2025

1. Naval Singh S/o Chhote Lal, Aged About 40 Years, Resident Of Village Kheda Mevda, Morena, Madhya Pradesh. At Present School Lecturer For Agriculture Science, Working At Gsss Amet, Rajsamand.
2. Chandresh Kumar Chaudhary S/o Ayodhya Prasad Chaudhary, Aged About 35 Years, Resident Of Village Chamrahiya, Post- Majhauwameer, Pachdwri Basti, Purani Basti, Uttar Pradesh. At Present School - Lecturer For Agriculture Science, Working At Gsss Balesar, Jodhpur.

----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.
3. The Secretary, Rajasthan Public Service Commission, Ajmer, Rajasthan.

----Respondents

For Petitioner(s) : Mr. K.P. Raj Deora

HON'BLE DR. JUSTICE NUPUR BHATI

Order

25/02/2026

1. Learned counsel for the petitioners submits that the subject matter in the present writ petition is squarely covered by the order passed by the Co-ordinate Bench of this Court on 13.11.2019 in S.B. Civil Writ Petition No. 16879/2019 titled as 'Jetha Ram Vs. State of Rajasthan & Ors.'.
2. The relevant part of the aforesaid order dated 13.11.2019 reads as follows:



“This writ petition has been filed by petitioner seeking relief as indicated in the writ petition.

It is submitted by learned counsel for the petitioner that the issue raised in the present writ petition is squarely covered by judgment of this Court in Manoj Khandelwal & Ors. v. State of Rajasthan & Ors.: S.B.C.W.P. No. 7283/2014, decided on 16.07.2014 at Jaipur Bench and the said judgment has been followed in Krishan Lal & Ors. v. The State of Rajasthan & Ors. : S.B.C.W.P. No. 19179/2017, decided on 30.10.2017 at Jaipur Bench, and therefore, the petitioner is also entitled to the same relief as granted in the case of Manoj Khandelwal (supra) and Krishan Lal (supra).

In view of the submissions made, the writ petition filed by the petitioner is disposed of with the similar directions as given in the case of Manoj Khandelwal (supra), which read as under:-

“This Court in Suman Bai and Another Vs. State and Others – 2009 (1) WLC (Raj.) 381, held that candidates in lower order of merit cannot be come entitled merely because they had approached court earlier. Petitioners had a fresh cause of action for approaching in such situation and their writ petition not barred either as res judicata or as being him in properly constituted. This directed the respondents to treat petitioners senior to respondents, who were in lower order of merit.

It is further contended in the writ petition that in the matter of School Lecturers (English) in the same Department, where appointments were delayed because of the fault of the State authorities, the candidates were accorded appointment from the date the candidates stood lower in merit were appointed and they have been granted all consequential benefits of services.

The petitioners approached the respondents by way of representations for extending them same benefits of service which have been granted to the candidates who stood lower in merit than the petitioners, but till date nothing has been done. Hence, this writ petition on behalf of the petitioners for a direction to the respondents to treat their appointment from the date the candidates lower in merit, were given, with all consequential benefits of



service, such as seniority, continuity of service, pay fixation, grant of annual grade increments.

Having regard to the facts of the case, writ petition is disposed of requiring the petitioners to make a representation to respondent no.2 – Director, Secondary Education, Bikaner, along with a copy of this order, who shall, after verifying the facts stated above, consider and decide the same by a speaking order within a period of three months from the date of its making, addressing the grievance of the petitioners for extending them the relief as prayed for, as the candidates, who stood lower in merit, are getting benefit of higher pay, seniority, annual grade increments and other service benefits including the selection scales. If the respondent no.2 decides to place the petitioners above in seniority than the candidates who stood lower in merit, then the petitioners would be entitled to all benefits of seniority but they would be entitled only to notional benefits.”

3. Accordingly, the present writ petition is disposed of in same terms as passed in the case of Jetha Ram (supra).
4. All the pending applications, if any, stand disposed of.

(DR.NUPUR BHATI),J

332-/Devesh/-