

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

S.B. Civil Writ Petition No. 22578/2025

1. Prem Singh Rathore S/o Indra Singh, Aged About 59 Years, Resident Of Lalwaniyo Ka Vas, Siwana District Barmer. At Present Posted As Teacher, Gsss Maliyo Ka Bera, Bhimgoda, Sivana, District Balotra.
2. Hemprakash S/o Uma Shankar Dave, Aged About 56 Years, Resident Of Near Purohit Hostel, New Brahmpuri, Rajendra Nagar, Jalore. At Present Posted As Principal, Gsss Bhimgoda, Sivana, District Balotra.
3. Laxman Das S/o Mohan Das, Aged About 58 Years, Resident Of Santo Ka Vas, Sindhari Chosira, Balotra. At Present Posted As Senior Teacher, Gsss Sindhari, District Balotra.
4. Tiloka Ram S/o Lala Ram, Aged About 57 Years, Resident Of Ward No. 11, Vpo Kitnod, District Balotra.
5. Vinita Sharma W/o Kailash Swaroop Sharma, Aged About 59 Years, Resident Of 50, Pali Road, Subhash Colony, Bhagat Ki Kothi, Jodhpur.
6. Gayatri Kansara W/o Radheshyam Kansara, Aged About 57 Years, Resident Of 82, Megh Nagar, Neher Road, Pal Road, Jodhpur. At Present Posted At Gsss, Ratanada, Jodhpur.

-----Petitioners

Versus

1. State Of Rajasthan, Through Department Of School Education, Government Of Secretariat Building, Jaipur.
2. Department Of Finance, Through Secretary Finance, Secretariat Building, Jaipur.
3. Director, Secondary Education, Bikaner.
4. Director, Elementary Education, Bikaner.
5. Chief District Education Officer, Balotra.
6. District Education Officer, Secondary Education, Balotra.
7. District Education Officer, Elementary Education, Balotra.
8. Chief District Education Officer, Jodhpur.
9. District Education Officer, Secondary Education, Jodhpur.
10. District Education Officer, Elementary Education, Jodhpur.

-----Respondents

For Petitioner(s) : Ms. Apurva Raj Mathur

HON'BLE DR. JUSTICE NUPUR BHATI

Order

25/02/2026

1. Learned counsel for the petitioners submits that the controversy involved in the present case is squarely covered by judgment rendered by Co-ordinate Bench of this Court in ***S.B. Civil Writ Petition No.3534/2009 Yogesh Kumar Pareek vs. The State of Rajasthan & Ors.*** decided on 20.01.2014 in the following terms:

"Petitioner is aggrieved by denial of salary of summer vacation and shifting of date of increment and other benefits.

It is stated that petitioner was appointed on regular basis on the post of Teacher vide order dated 24.01.1992. After joining on 28.01.1992, petitioner was entitled for benefit of service and salary for summer vacation. Respondents denied aforesaid benefit and increment was shifted to the month of March despite of joining of petitioner in the month of January. Accordingly, the respondents be directed to pay salary of summer vacation and also the date of increment be made to January, 1993.

The officer-in-charge of the respondents could not justify the action of the respondents, inasmuch as Circular dated 28.07.2003 clarified that if employee has been appointed on regular basis on probation then he would be entitled for salary of summer vacation even if appointment is after 31st December. No justification is given by the respondents for denial of benefit of increment from January other than erroneously correlating it with the benefit of selection scale and thereby, shifting it by 48 days. I find the action of respondents is illegal, inasmuch as the petitioner is entitled for the benefit of salary of summer vacation as he is covered by the Circular. The petitioner should be given increment counting his service from the date of joining and not by shifting it to the month of March.

Accordingly, the writ petition is allowed and consequential benefit would be given to the petitioner as

referred above. He would be entitled to other benefits based on appointment order dated 24.01.1992 and his joining on 28.01.1992, thus benefit of selection scale would also be determined. This also disposes of stay application.”

2. Learned counsel for the petitioners prays that the petitioners may be permitted to file an appropriate representation in light of the judgment rendered by this Court in the case of **Yogesh Kumar Pareek (Supra)** for redressal of his grievances.

3. In view of the submission made, the present writ petition is disposed of with liberty to the petitioners to file an appropriate representation for redressal of their grievances before the respondents, and the respondents are directed to decide the same within a period of six weeks from the date of receipt of such representation, strictly in accordance with law, keeping in mind the directions issued by this Court in the case of **Yogesh Kumar Pareek (Supra)**.

4. It is made clear that the respondents will be at liberty to examine the representation so filed by the petitioners independently, and if the case of the petitioners is squarely covered by the judgment rendered in the case of **Yogesh Kumar Pareek (Supra)**, the same benefit shall be extended; otherwise the respondents will be free to examine the case of the petitioners on its own merits and pass a speaking order.

(DR.NUPUR BHATI),J