

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

S.B. Civil Writ Petition No. 23693/2025

Smt. Anil Kumari D/o Shri Gajendra Singh, Aged About 59 Years,
R/o Juni Bagar, Mahamandir, Jodhpur, District Jodhpur,
Rajasthan.

-----Petitioner

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 Joint Director (School Education), Jodhpur Division, District Jodhpur, Rajasthan.
4. The District Education Officer (Headquarter), Secondary Education, Jodhpur, District Jodhpur, Rajasthan.
5. The District Education Officer (Headquarter), Elementary Education, Jodhpur, District Jodhpur, Rajasthan.

-----Respondents

For Petitioner(s) : Mr. M.S. Shekhawat.

HON'BLE DR. JUSTICE NUPUR BHATI

Order

25/02/2026

1. Learned counsel for the petitioner, at the outset, submits that the controversy raised in the instant writ application, is no more res-integra in view of the adjudication by a Coordinate Bench of this Court in the case of Yogesh Kumar Pareek Vs. The State of Rajasthan:SBCWP No.3534/2009, decided on 20th January, 2014, observing thus:

“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.”

2. Learned counsel further submits that, for the present, the petitioner would be satisfied if the State-respondents to address his representation within a time frame in the backdrop of the order dated 20th January, 2014 in the case of Yogesh Kumar Pareek (supra), which they are ready and willing to address within two weeks hereinafter.

3. In view of the limited prayer addressed; the instant writ proceedings are closed with a direction to the petitioner to address a comprehensive representation to the respondents ventilating his grievances.

4. In case, a representation is so addressed within the aforesaid period, the State-respondents are directed to consider and decide the same by a reasoned and speaking order, in accordance with law, as expeditiously as possible; however, in no case later than twelve weeks from the date of receipt of the representation along with a certified copy of this order.

5. With the observations and directions, as indicated above, the writ application stands disposed off.

6. The order has been passed based on the submissions made in the petition, the respondents would be free to examine the veracity of the submissions made in the petition and only in case, the averments made therein are found to be correct, the petitioner would be entitled to the relief.

(DR.NUPUR BHATI),J