

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

S.B. Civil Writ Petition No. 24086/2025

Gaurav Kamol S/o Shri Bhuralal Kamol, Aged About 38 Years,
Resident Of Ward No. 1, Timbamahudi, Tambesara, Banswara
(Raj)

-----Petitioner

Versus

1. State Of Rajasthan, Through The Principal Secretary,
School Education And Panchayati Raj (Elementary
Education) Department, Rajasthan, Jaipur
2. Director, Elementary Education, Bikaner.
3. Zila Parishad Banswara, Through Its Chief Executive
Officer, Banswara.
4. District Education Officer (Headquarters), Elementary,
Banswara.

-----Respondents

For Petitioner(s)	:	Mr. Saransh Vij
For Respondent(s)	:	Mr. Paramveer Singh for Mr. Kamlesh Sharma, AGC

HON'BLE DR. JUSTICE NUPUR BHATI

Order

23/02/2026

1. This writ petition has been filed by the petitioner with the following reliefs:

- "1. The Impugned Order dated 13.01.2025 (Annex.8) passed by the District Education Officer may kindly be quashed and set aside.*
- 2. The respondents may kindly be directed to permit the petitioner to join the services with all consequential benefits.*
- 3. Cost of litigation and damages may also be allowed in favour of the petitioner.*
- 4. Any other appropriate writ or order Or direction which is favorable to the petitioner in the facts and circumstances of the case may kindly be granted to the petitioner."*

2. Brief facts of the case are that the present writ petition has been preferred by the petitioner against the order dated 13.01.2025 (Annex.8) issued by respondent No.4, whereby the respondent authority terminated the services of the petitioner during probation, stating that his services are no longer required in public and departmental interest.

2.1. The petitioner was appointed on the post of Teacher Grade III (Level II) at Government Upper Primary School, Potaliya, District Banswara, by order dated 12.06.2024 (Annex.1). During the period of probation, FIR No.182 dated 26.06.2024 came to be registered against the petitioner at Police Station Kushalgarh, District Banswara, alleging that he had cleared the REET Examination 2022 – Teacher & Upper Primary School (General/Special Education) (Level II, Class 6 to 8) Direct Recruitment 2022 – by placing a dummy candidate in his place.

2.2. On account of registration of the said FIR, the department issued order dated 04.07.2024 (Annex.4), whereby he was placed under suspension under Rule 13 of the Rajasthan Civil Services (Classification, Control and Appeal) Rules, 1958 (CCA Rules 1958).

2.3. Thereafter, instead of granting such benefits, the respondents handed over another order dated 13.01.2025 (Annex.8), whereby the petitioner's services were terminated during probation by a non-speaking three-line order, merely stating that her services are no longer required in public and departmental welfare. Hence, this petition.

3. Learned counsel for the petitioner submits that the petitioner was appointed on the post of Teacher Grade III (Level II) vide order dated 12.06.2024, however, on account of an FIR lodged

against him alleging that he cleared the REET Examination-2022 by impersonation, his services were terminated vide order dated 13.01.2025. He submits that the earlier suspension order dated 04.07.2024 was revoked by a subsequent order dated 14.01.2025 (Annex.7), yet just a day prior thereto, the respondents had already passed the order dated 13.01.2025 (Annex.8) terminating his services, which clearly indicates that the latter order was passed without due application of mind. Counsel further submits that the termination order dated 13.01.2025 (Annex.8) was issued by the District Education Officer, who is not the competent authority to pass such an order, the competent authority being the District Establishment Committee.

4. Learned counsel for the petitioner submits that the present case is squarely covered by the order dated 10.07.2025 passed in ***S.B. Civil Writ Petition No. 6057/2025 (Mahesh Chandra Patel Vs. State of Rajasthan & Ors.)*** by a Coordinate Bench of this Court.

5. Learned counsel for the respondents is not in a position to dispute that the present case is squarely covered by the aforesaid order in Mahesh Chandra Patel (supra).

6. Thus, taking into consideration the submissions made by learned counsel for the parties and the order dated 10.07.2025 passed in the case of ***Mahesh Chandra Patel (supra)***, the writ petition is allowed. The impugned order dated 13.01.2025 (Annex.8) is quashed and set aside. However, the respondents are at liberty to take appropriate action against the petitioner, in accordance with law.

7. The needful shall be done by the authorities concerned within a period of four weeks from today, and it is made clear that if the petitioner is found innocent and an order of reinstatement is passed in his favour, he shall be entitled to all consequential reliefs.

8. The stay petition as well as all other pending miscellaneous applications, if any, stand disposed of accordingly.

(DR.NUPUR BHATI),J

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