

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

S.B. Civil Writ Petition No. 24426/2025

Bhagirath S/o Shri Teja Ram, Aged About 35 Years, R/o
Ramnagar, Kaparda, Tehsil Bilara, District Jodhpur, Rajasthan.

-----Petitioner

Versus

1. The State Of Rajasthan, Through The Director,
Department Of Elementary Education, Bikaner, Rajasthan.
2. The District Education Officer, Elementary Education,
Barmer, Rajasthan.
3. The Secretary, Rajasthan Staff Selection Board (Rssb),
State Institute Of Agriculture Management Premises,
Durgapura, Jaipur, Rajasthan.

-----Respondents

For Petitioner(s)	:	Ms. Twinkle Purohit for Mr. Surendra Thanvi
For Respondent(s)	:	Mr. Kamlesh Sharma

HON'BLE MR. JUSTICE ANAND SHARMA

Order

21/04/2026

1. Petitioner is aggrieved by the action of the respondents,
whereby, appointment has not been given to the petitioner on the
post of Teacher Grade-II (Hindi) on the ground of pendency of
criminal case against the petitioner.
2. Learned counsel submits that although initially, in the online
application form, pendency of criminal case was not disclosed by
the petitioner, yet at the time of document verification, such fact
was disclosed and the authorities were apprised that criminal case
related to FIR No.419/2013 lodged at Police Station Bilara, District
Jodhpur was pending against the petitioner. Learned counsel

submits that after filing of the writ petition, the aforesaid criminal case has also been decided by the competent criminal court and the petitioner has been acquitted for criminal charges levelled against him.

3. Learned counsel further submits that in view of the judgment of acquittal, now there is no impediment in the way of granting appointment to the petitioner and under the aforesaid circumstances, the petitioner cannot be deprived of his legitimate right of fair consideration.

4. Learned counsel for the respondents opposed the writ petition and submitted that the judgment of acquittal has been passed by the competent Court after filing of the writ petition and as per circular dated 04.12.2019 issued by the Department of Personnel, certain guidelines have been laid down for considering the cases of the candidates, who were facing criminal trial and their candidature was rejected on account of pendency of criminal case. Learned counsel further submits that the aforesaid circular dated 04.12.2019 also prescribed that even in the cases where the candidate has been acquitted by the criminal Court, the committee constituted by the respondent-Government may consider the fact of such acquittal. In the instant case, the committee is yet to take final decision over the effect and consequences of the judgment delivered by the competent criminal Court to acquit the petitioner.

5. In view of above, this Court deems it just and proper to dispose of this writ petition with liberty to the petitioner to submit a fresh representation along with judgment of acquittal passed by the competent criminal court before the respondents. The

respondents after receiving such representation, shall place the same before the committee constituted as per circular dated 04.12.2019. Thereafter, a speaking order shall be passed by the committee after examining the judgment of acquittal and final decision thereupon shall be communicated to the petitioner within a period of 30 days from the date of receipt of representation along with certified copy of this order.

6. Writ petition is disposed of accordingly.
7. Pending applications, if any, also stand disposed of.

(ANAND SHARMA),J