

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 1036/2021

Shalendra Kumar Sharma S/o Naresh Kumar Sharma, Aged About 27 Years, R/o Vpo Kheri Hewat, Tehsil Hindauncity, District Karauli, Rajasthan.

-----Petitioner

Versus

- 1 The State Of Rajasthan, Through Its Principal Education Secretary, Government Secretariat, Rajasthan, Jaipur.
- 2 The Director, Primary Education, Rajasthan, Bikaner.
- 3 The District Education Officer (Primary), Karauli.
- 4 Pradeep Kumar Champawat S/o Man Singh, Teacher Gr. Iii Level Ii Social Science Through District Education Officer, Elementary Education, Karauli.

-----Respondents

For Petitioner(s)	:	Mr. Aamir Khan with Ms. Aditi Choursia
For Respondent(s)	:	Mr. Gopal Krishna, AGC with Mr. Saumil Sharma

HON'BLE MR. JUSTICE ASHOK KUMAR JAIN

Judgment

23/02/2026

1. Instant Writ Petition has been preferred by petitioner with following prayer:-

It is therefore, most respectfully prayed that this Honble court may very graciously be pleased to accept and allow this writ petition, call for the relevant record in the present matter and by issuance of an appropriate writ, order or direction:
(i). Respondents may kindly be directed to allot home district/Karauli District to the Petitioner as per his merit cum preference on the post of Teacher Gr. III Level II Subject Social Science (Non-TSP Area as the lower meritorious candidates have been given Home District.

(ii) The action of the respondents may kindly be declared illegal by which they have allotted Home

District to lesser meritorious candidates than the Petitioner.

(iii) Any other order or direction which this Hon'ble Court may deem fit, just and proper in the facts and circumstances of the case may also be passed in favour of the Petitioner.

2. Learned counsel for the petitioner has filed an application No. 1/2026 for disposal of the writ petition in light of the order dated 20.01.2026 passed in Civil Writ Petition No. 1264/2026, which was decided on the basis of the judgment in the case of **Kindar vs. State of Rajasthan and others** and further relied upon in the case of **Omprakash Gurjar vs. State of Rajasthan in SB Civil Writ Petition No. 12876/2025**.

3. The aforesaid contentions were opposed by learned AGC, appearing on behalf of the respondents, while referring to the order dated 31.08.2022 passed in DB Special Appeal (Writ) No. 477/2021 in **State of Rajasthan vs. Mohammad Barkat Khan and others**, and submitted that the petitioner was placed according to the original list and only after accommodation of candidates from the waiting list the person of lower merit get the home district, and there was no violation of any norms as directed by this Hon'ble Court.

4. The submissions of learned counsel for the parties have been considered, and the material placed on record as well as the judgments referred to by learned counsel for the parties have been perused.

5. Having considered the ratio laid down in the judgments relied upon by learned counsel for the parties, it is appropriate to dispose of the writ petition with a direction to the petitioner to make a representation to the respondent(s)-department within a period of 60 days from the receipt of a copy of this order. The

respondent(s)-department shall consider the representation in light of the circular dated 18.05.2020 issued by the Administrative Reforms Department and also the judgment in the case of **State of Rajasthan vs. Mohammad Barkat Khan (supra)** and **Kindar vs. State of Rajasthan (supra)**, but in case of deviation with a reasoned and speaking order within a period of 60 days from date of receipt of representation. After the decision, the respondents are under an obligation to communicate the order to the petitioner either by way of speed post or through E-mail, if petitioner has provided E-mail in his representation. If the petitioner is still aggrieved, he has a liberty to approach this Court with fresh petition.

6. Needless to say that if ratio is applicable upon facts of the case as claimed by the petitioner, then same benefits be extended to the petitioner.

7. With the aforesaid directions, the present writ petition with pending application, if any, stands disposed of.

(ASHOK KUMAR JAIN),J