

RAJASTHAN HIGH COURT

सत्यमेव जयते

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Review Petition (Writ) No. 51/2026

In

S.B. Civil Writ Petition No. 18136/2025
CNR: RJHC020120782026 | URN: WRW / 141U / 2026

Seema Bai Gurjar D/o Mohar Singh Gurjar, Aged About 33 Years,
W/o Sanjay Kumar Gurjar, R/o Outside Delhi Gate, Mohalla
Phootikhel, Alwar (Rajasthan)

-----Review Petitioner

Versus

1.

The State Of Rajasthan, Through Its Secretary, Panchayat Raj Department, Government Secretariat, Jaipur.
2.

The Commissioner, Panchayati Raj Department, Government Secretariat, Jaipur.
3.

The Chief Executive Officer, Zila Parishad, Alwar.
4.

The Block Development Officer, Panchayat Samiti Malakheda, Alwar.
5.

The District Collector, Collectorate, Alwar.

-----Respondents

For Petitioner(s)

:

Mr. Sandeep Singh Shekhawat

For Respondent(s)

:

Mr. Prateek Saxena & Mr. Ashutosh
Udawat for Mr. Kapil Prakash Mathur,
AAG

HON'BLE MR. JUSTICE ASHOK KUMAR JAIN

Order

03/08/2026

1.

The instant civil review petition is preferred under Rule 64 read with Section 114 along with Order 47 Rule 1 of the Code of Civil Procedure, 1908 for seeking review of the observation in para No.2 and the directions in para Nos.6 and 7 of the order dated 9th

December 2025 in S.B. Writ Petition No. 18136/2025 passed by this Court.

2. Learned counsel for the petitioner submits that the petitioner has filed a writ petition to challenge the order dated 14th November 2025 (Annexure 10 of writ petition) on the ground that the petitioner whose services were confirmed after completion of probation period vide order dated 2nd December 2024 (Annexure 3 of writ petition) cannot be terminated without taking recourse to the Rajasthan Civil Services (Classification, Control and Appeal) Rules, 1958 (for short 'the CCA Rules 1958'). He also submits that the petitioner, after being confirmed in service, has acquired status of permanent employee and she has got protection of Articles 309 and 311 of the Constitution of India. He submits that the judgment in case of **Sharvan Choudhary vs. State of Rajasthan and Ors. (S.B. Writ Petition No. 4298/2025)**, decided by a Co-ordinate Bench at Principal Seat of this Hon'ble Court on 8th May 2025 is only in relation to those employees whose services were terminated during period of probation, and same is not applicable upon the petitioner, which was wrongly referred while deciding the petition. He also submits that the service of the petitioner has not been terminated after taking recourse of law, therefore, the petitioner has a right to get decided the writ petition on merits, therefore, the order be recalled and matter be fixed for decision on merits.

3. Aforesaid contentions were opposed by learned counsel appearing on behalf of the respondents and submitted that the petitioner had challenged the order dated 9th December 2025 by filing a Special Appeal Writ before the Division Bench and after

withdrawal of the same on 22nd January 2026, current Review Petition has been filed by the petitioner which is not maintainable. He submits that by filing the current Review Petition, the petitioner has no right to insist re-hearing of the matter. He placed reliance upon a judgment of Hon'ble Supreme Court of India in case of **Parsion Devi & Ors. vs. Sumitra Devi & Ors : (1997) 8 SCC 715.**

4. Heard the learned counsel for the parties and perused the matter placed on record.

5. The writ petition of the present applicant petitioner was decided on 9th December 2025 wherein we have recorded following contentions and observations:-

"2. Learned counsel for petitioner submits that a Coordinate Bench at Principal Seat, Jodhpur has considered identical issue in case of **Sharvan Choudhary Vs. State of Rajasthan and Ors.: S.B. CWP No.4298/2025 decided on 08.05.2025** and the writ petition is liable to be disposed in terms of ratio as laid down in case of **Sharvan Choudhary Vs. State of Rajasthan (supra).**

3. Learned counsel for petitioner has further submitted that petitioner was appointed on 24.11.2022 on post of LDC after due scrutiny of her documents and her services were regularized vide order dated 02.12.2024. He further submits that all of sudden, the petitioner was removed from the service without any enquiry under the Rajasthan Civil Services (CCA) Rules, 1958. He further submits that the order of termination or removal is arbitrary, illegal and contrary to the rules and principle of natural justice.

4. Aforesaid contentions were opposed by learned counsel appearing on behalf of respondents and he submits that order dated 08.05.2025 in case of **Sharvan Choudhary (supra)** is challenged by the State of Rajasthan by filing D.B. Special Appeal Writ No.1188/2025 and on

17.11.2025, the effect and operation of order dated 08.05.2025 was stayed by the Division Bench.

5. Considered submission of learned counsel for the parties and also perused the order as referred by learned counsel for both the counsels but they agreed that the writ petition be disposed at this stage subject to modification of order by the Division Bench in D.B. SAW No.1188/2025.

6. Having considered submission of learned counsel for the parties, the writ petition filed by the petitioner is disposed in light of judgment dated 08.05.2025 in case of **Sharvan Choudhary (supra)** subject to modification or change by the Division Bench in D.B. Special Appeal Writ No.1188/2025. If the D.B. Special Appeal Writ preferred by State of Rajasthan is dismissed, then the termination order dated 14.11.2025 qua present petitioner shall deemed to be set aside and petitioner is entitled for reinstatement and the respondents are at liberty to conduct enquiry as contemplated in case of **Sharvan Choudhary (supra) (S.B. CWP No.4298/2025)**.

7. It is made clear that if the judgment dated 08.05.2025 is set aside by the Division Bench, then the writ petition is liable to be dismissed on the basis of ratio in case of **Sharvan Choudhary (supra)**."

6. The writ petitioner has filed a DBSAW No. 67/2026 before the Division Bench which was dismissed as withdrawn on 22nd January 2026 with liberty to file a review petition. The contention of the present petitioner is that the petitioner was appointed on 24th November 2022 on post of LDC and she was regularized vide order dated 02-12-2024 and she cannot be removed without any inquiry under the CCA Rules 1958, were mentioned in the order by this Court. The judgment in case of **Sharvan Choudhary vs. State of Rajasthan and Ors.** (supra) was referred and same is mentioned by this Court in para No.2 and further the respondents have mentioned a fact that the judgment in case of **Sharvan**

Choudhary vs. State of Rajasthan and Ors. (supra) is challenged before the Division Bench. On the basis of the judgment, the writ petition was disposed of by this Court.

7. The material on record clearly indicate that in case of **Sharvan Choudhary vs. State of Rajasthan and Ors.** (supra), the arguments were same and while considering these arguments, a Coordinate Bench at Principal Seat, Jodhpur has observed as under:-

"11. It is also an undisputed fact that the petitioner was substantively appointed on the post of Physical Training Instructor in the respondent-Department. The services of the petitioner are governed by the Rajasthan Civil Services (Classification, Control and Appeal Rules), 1958 (hereinafter referred to as the 'Rules of 1958'). In these circumstances, the respondents were under an obligation to proceed against the petitioner as per the mandate of provisions as contained in the Rules of 1958.

12. In the present case, no charge-sheet/disciplinary enquiry has been initiated against the petitioner before terminating him from the services. The services of the petitioner has been terminated only on the basis of a show cause notice issued and dissatisfying from the reply filed by the petitioner. In the opinion of this Court, the procedure adopted by the respondents is not correct and without holding any enquiry, the respondents have reached to the conclusion that the appointment obtained by the petitioner is on the strength of forged documents. The matter was required to be proceeded with in accordance with the procedure prescribed under the Rules of 1958 by issuing a proper charge-sheet and holding a proper enquiry in the matter. Merely, getting the investigation done unilaterally by the respondents and finding the fact that certain documents have been fraudulently produced by the petitioner while getting the employment is not the correct approach adopted by the respondents for terminating the services of the petitioner.

13. It is further noted that in the identical circumstances, some of the candidates were issued show cause notices, against which, they preferred writ petitions and the coordinate bench of this Court vide order dated 03.4.2025 has passed an order to constitute the Committee to investigate the matter and at the same time, the services of petitioners of those writ petitions were protected by passing an interim order, whereas in the present case, the services of the petitioner has been terminated. Therefore, the petitioner stands discriminated vis-a-vis those candidates whose services have been continued during the pendency of the enquiry.

14. It is also a fact that except the infirmity shown in the show cause notice, there is no other disqualification pointed out by the respondents for terminating the services of the petitioner and therefore, the same are required to be inquired into by holding a proper disciplinary enquiry as per the Rules.

15. Taking into consideration the facts and circumstances in the present case, the order of termination in service law is like a capital punishment and, therefore, the same should be passed after holding a proper enquiry to prevent innocent person being punished.

16. In view of the discussions made above, the termination order dated 15.01.2025 is not sustainable in the eyes of law. Thus, the present writ petition merits acceptance and the same is allowed. The order dated 15.01.2025 terminating the services of the petitioner is quashed and set-aside and the respondents are directed to reinstate the petitioner in the services forthwith.

17. It is made clear that after the reinstatement of the petitioner, he shall co-operate with the ongoing enquiry which is being made by the committee constituted pursuant to the order dated 03.4.2025 passed by the co-ordinate bench of this Court. Further, it is also made clear that the respondents will be free to take appropriate disciplinary action against the petitioner in accordance with law, if the respondents found that the appointment obtained by the petitioner is on the basis of incorrect, forged or manipulated documents."

8. The State of Rajasthan (respondents in case of **Sharvan Choudhary**) has challenged the order by filing a special appeal writ (SAW) and on 17th November 2025, after considering the submission of learned Advocate General on the basis of judgments in case of (i) **R. Vishwanathan Pillai versus State of Kerala (2004) 2 SCC 105**, (ii). **Regional Manager, Central Bank of India versus Madhulika Guruprasad Dahir & Ors. : (2008) 13 SCC 170**, (iii). **State of Chhattisgarh & Ors. Versus Dhirjo Kumar Sengar: (2009) 13 SCC 600**, (iv) **Meghmala & Ors. Versus G. Narasimha Reddy & Ors.: (2010) 8 SCC 383**, (v). **State of Bihar & Ors. Versus Kirti Narayan Prasad : (2019) 13 SCC 250**, (vi). **Municipal Corporation of Delhi versus Gurnam Kaur : (1989) 1 SCC 101**, stayed the operation of order dated 8th May 2025 in case of **Sharvan Choudhary vs. State of Rajasthan and Ors.** (supra).

9. The DBSAW No.1188/2025 was decided along with a bunch of matters on 19th May 2026 and a direction has been passed as under:-

"11. During the course of arguments, this Court put a proposition to the respondents-petitioners that the Committee, as constituted by the learned Single Judge vide order dated 03.04.2025 passed in **S.B. Civil Writ Petition No.2328/2025, Yashwant v. State of Rajasthan & Ors. and connected matters**, may be directed to examine their cases and pass fresh orders. The said proposition was acceptable to the respondents-petitioners, and the learned Advocate General also fairly stated that he had no objection if such an order was passed. The Committee as directed to be formed vide order dated 03.04.2025 is as under:-

"16. Such Committee will be headed by the Secretary of the Board and would comprise of one officer of Joint Director level of the Education Department to be nominated by

Principal Secretary of the Education Department and an officer of the rank of Deputy Superintendent of Police to be nominated by Director General of the Special Operations Group.

17. The Members be nominated by Principal Secretary of the Education Department and Director General of the Special Operations Group within a period of seven days from today.”

11.1 In these circumstances, this Court deems it appropriate to relegate the matters to the Committee, as constituted by the learned Single Judge vide order dated 03.04.2025 passed in **S.B. Civil Writ Petition No.2328/2025, Yashwant v. State of Rajasthan & Ors. and connected matters**, with a slight modification that, in place of the Deputy Superintendent of Police to be nominated by the Director General, Special Operations Group, an Administrative Officer not below the rank of an R.A.S. Officer shall be included. The other members, as suggested by the learned Single Judge, shall remain the same.

12. Accordingly, the appeals are decided in following terms:-

(i) The appeals are partly allowed. The impugned order passed by the learned Single Judge, setting aside the termination orders, is modified to the extent that the observation made by the learned Single Judge requiring the appellants to follow the procedure prescribed under the Rules of 1958 before terminating the services of the respondents-petitioners is set aside.

(ii) The direction given by the learned Single Judge relegating the matter to the Committee is maintained. However, the composition of the Committee shall stand modified in the manner indicated hereinabove.

(iii) The newly reconstituted Committee shall be formed within a period of fifteen days from today. The Committee shall issue notices to the respondents-petitioners. Upon receipt of such notices, the respondents-petitioners shall submit their responses within a period of one month. After receiving such responses, the Committee shall conclude the proceedings within a further period of

two months. In any event, the entire exercise shall be completed within a period of four months.

13. Needless to observe that, if the Committee records its opinion in favour of the respondents-petitioners, the State Government shall recall the termination orders and reinstate the respondents-petitioners with all consequential benefits. Conversely, if the termination orders meet approval of the committee, the respondents-petitioners shall be at liberty to avail appropriate remedy in accordance with law."

10. Having considered the submissions of the State as referred by the Division Bench, I am of the considered view that the grounds raised by the petitioner have already been considered by the Division Bench while considering the appeal from the order in case of **Sharvan Choudhary vs. State of Rajasthan and Ors.** (supra). Therefore, there is no need to consider the case of the petitioner in a different manner than what has already been decided by this Court.

11. The present review petition is filed by the petitioner to review the order dated 9th December 2025 and learned counsel appearing on behalf of the respondents have referred following paragraphs from judgment in case of **Parsion Devi & Ors. vs.**

Sumitra Devi & Ors (supra):

"Under Order 47 Rule 1 CPC a judgment may be open to review inter alia if there is a mistake or an error apparent on the face of the record. An error which is not self-evident and has to be detected by a process of reasoning, can hardly be said to be an error apparent on the face of the record justifying the court to exercise its power of review under Order 47 Rule 1 CPC. In exercise of the jurisdiction under Order 47 Rule 1 CPC it is not permissible for an erroneous decision to be "reheard and corrected". A review petition, it must be remembered has a limited purpose and cannot be allowed to be "an appeal in disguise"

12. Admittedly, a review is not a mechanism to ask for re-hearing of any matter. This Court has already considered submissions and on the basis of a judgment decided by a Coordinate Bench at Principal Seat, Jodhpur and further a pending DB appeal, we have disposed of the writ petition and there is no mistake apparent on record in the order passed by this Court. Therefore, this review cannot become an appeal against the order passed by this Court.

13. There is no error apparent on the face of record, and similarly, there is no discovery of new and important fact to recall the order. Thus, the review petition is liable to be dismissed.

14. In view of the discussion made herein above, the review application filed by the petitioner is hereby dismissed.

15. No order as to cost.

(ASHOK KUMAR JAIN),J