

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 407/2009

Phool Kumari Soni wife of Shri Laxmi Narain Soni, resident of village Dabla, tehsil Neem ka Thana, district Sikar. (Since deceased) through legal heirs:-

1/1 Jagdish Prasad Assat S/o Laxmi Narayan Soni R/o Assat Kirana Store, Adarsh Colony, P.O. Gola Ka Mandir, Gwalior-474005.

1/2 Rajendra Prasad Assat S/o Laxmi Narayan Soni R/o E-290,291 Lal kothi scheme behind Vidhansabha Jaipur 302015.

1/3 Rohitash Assat S/o Laxmi Narayan Soni R/o Room no. 4 Mahavir jyot 3, N.H no.48, Mahavir Nagar, Vapi, Distt Valsad (Gujrat).

1/4 Ishwar Singh Assat S/o Laxmi Narayan Soni R/o Vpo Dabla railway station, Distt Sikar, Rajasthan.

-----Petitioners

Versus

1. State of Rajasthan through Secretary to the Government, Elementary Education, Government of Rajasthan, Secretariat, Janpath, Jaipur.

2. Director, Elementary Education, Rajasthan, Bikaner.

3. District Education Officer, Elementary Education, Sikar.

4. Block Elementary Education Officer, Panchayat Samiti Neem ka Thana, district Sikar.

-----Respondents

For Petitioner(s)	:	Mr. Nitesh Kumar Pareek for Mr. Ajay Kumar Bajpai
-------------------	---	--

For Respondent(s)	:	Mr. Gopal Krishan Sharma, AGC
-------------------	---	-------------------------------

HON'BLE MR. JUSTICE PRAVEER BHATNAGAR

Judgment

1. Date of conclusion of arguments

25/02/2026

2. Date on which the judgment

was reserved

25/02/2026

**3. Whether the full judgment or only the
operative part is pronounced**

Full Judgment

4. Date of pronouncement

27/02/2026

1. By way of this writ petition, the petitioner, Phool Kumari Soni, has claimed the benefit of pay in the grade of a trained teacher and has also claimed her third selection grade from the date of her initial appointment.

2. The petitioner was appointed as an untrained teacher on 16.08.1963, and she retired on 30.09.1996. The petitioner claims that the Government of Rajasthan, vide notification dated 31.07.2001 (Annexure-7), issued a circular to allow the benefit of selection grade to untrained teachers from the date of their initial appointment.

3. The petitioner, after her retirement, continuously submitted representations to the Government seeking to have her selection scales restored to the date of her initial appointment; however, the respondents did not pay heed to her representations, and, feeling aggrieved thereby, the petitioner has preferred this instant petition.

4. It is contended by learned counsel for the petitioner that in view of the circular (Annexure-7), the petitioner is entitled to the grant of selection scale from her initial date of appointment, i.e. 16.08.1963.

5. Contrarily, learned counsel for the respondents contends that in the case of **Shaitan Singh Vs. State of Rajasthan**, S.B. Civil Writ Petition No.15754/2023 and **State of Rajasthan Vs.**

Chandra Ram, D.B. Special Appeal Writ No.589/2015, it was held that the benefit of 9, 18 and/or 27 years shall be considered from the date of regularisation and not from ad hoc service. It was also held in that matter that services would be considered only for the pensionary purposes if there is a shortfall in the benefits granted to the petitioner. Thus, in the light of the aforesaid judgments, the petitioner is not entitled to any relief.

6. It is further contended that the untrained teachers are not entitled to the grant of selection scale from the date of their initial appointment and that the Hon'ble Supreme Court decided the matter in the case of **State of Rajasthan vs Farooq Ahmad & Ors.**, SLP No.5654/2005. Therefore, the petitioner is not entitled to the grant of scale from the date of her initial appointment.

7. Heard and perused the material available on record.

8. The controversy in the present case was settled in the matter of **Chandra Ram (supra)**, wherein the Court held that the benefit of 9, 18 and/or 27 years of service will be considered from the date of regularisation. The petitioner is claiming her selection scale based on a circular dated 31.07.2001; however, that circular was issued only for a specific purpose, namely not to recover the amount from the untrained teachers who have been granted selection scale from their date of joining the services.

9. That the order was issued pursuant to the directions rendered by the High Court. Thus, it is evident that aforesaid order/circular was confined to the persons who were granted the benefit and against whom the Government issued a recovery notice.

10. The Hon'ble Apex Court in the matter of **State of Rajasthan and Ors. v. Jagdish Narain Chaturvedi, (2009) 12 SCC 49** at para 18 categorically held that an ad hoc appointment is always to a post but not the cadre/service and is also not made in accordance with the provisions contained in the recruitment rules for regular appointment. It is also held that for the grant of selection grade can be granted only after regularization. Therefore, in the light of the aforesaid legal dictum, the petitioner is not entitled to the grant of selection scale/the benefit of 9, 18, and 27 years based on her initial appointment as an untrained teacher.

11. Accordingly, the instant writ petition lacks merit and is hereby dismissed.

12. All pending application(s), if any, also stand disposed of. There shall be no order as to costs.

(PRAVEER BHATNAGAR),J