

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 5228/2025

Kailash Narayan Sharma S/o Late Sh. Sudama Lal Sharma,
Aged About 74 Years, R/o Plot No. 376, Ekta Path, Vidhyut
Nagar-A, Ajmer Road, Jaipur, Rajasthan.

-----Petitioner

Versus

1. State Of Rajasthan, Through Its Director, Directorate Of Education, Rajasthan, Bikaner, Rajasthan.
2. State Of Rajasthan, Through Principal Secretary, Department Of Finance, Government Secretariat, Jaipur.
3. The Director, Treasury And Accounts Department, Rajasthan At Jaipur, Rajasthan.
4. The Director, Directorate Of Pension And Pensioners Welfare, Jaipur, Rajasthan.
5. The District Education Officer, Secondary, Shiksha Sankul, Jaipur.
6. The Chief Block Officer, Education Department, Jhotwara, Jaipur.

-----Respondents

For Petitioner(s) : Mr. Vinod Pathak

For Respondent(s) :

JUSTICE ANOOP KUMAR DHAND

Order

07/04/2025

1. Counsel for the petitioner submits that the controversy involved in this petition has already been decided by this Court in the case of **Vijay Singh Vs. State of Rajasthan and Ors.** while deciding S.B. Civil Writ Petition No.21/2020 on 21.07.2023. Counsel submits that at later stage, the judgment passed in the case of **Vijay Singh** (supra) made

judgment "in rem" in the case of **Ramesh Chandra Sharma**
Vs. State of Rajasthan and Ors. (SB Civil Writ Petition
No.10939/2013 with the following observations and
directions:

"11. Now, the question which emerges for consideration of this Court is whether the benefits which have been given to the similarly situated persons by this Court in the case of **Vijay Singh** (supra) can be given to the present petitioners and also to those persons who have not approached this Court by way of filing of any petitions.

12. On various occasions, Hon'ble Apex Court as well as this Court has held that two equals must be treated equally. Merely because one person has approached this Court, would not mean that the persons who are similarly situated, but have not approached this Court, should be treated differently.

13. The normal rule is that when a set of persons is given a relief by this Court, all other identically situated persons need to be treated alike by extending the same benefits. Not doing so, would amount to discrimination and would be violative of Article 14 of the Constitution of India. Thus, to deny the same benefits to the similarly situated persons on the touchstone of what has been held and granted to a particular set of persons would tantamount to discrimination and violation of Articles 14 and 16 of the Constitution of India.

14. Looking to the fact that thousands of similarly situated persons are aggrieved and some of them have approached this Court and some of them are sitting silently, it is expected from the authorities to grant the same benefits to all the aggrieved persons whether they approached this Court or not.

15. This Court as well as the Hon'ble Apex Court has held in catena number of judgments that justice is not a saleable commodity. The State Authorities cannot be allowed to compel

the aggrieved persons to approach the Court of law and get similar orders. Once the issue has been decided by the Court of law and the same has not been challenged by the State Authorities before any Appellate Authority and thus, it has attained finality, then the State Authorities are bound by the same. The State should not unnecessarily compel all aggrieved persons to knock the doors of the Court again and again for getting similar orders. The "doctrine of finality of judgment" is applicable in such matters.

16. It is settled proposition of law that when a judgment is pronounced by the Court, affecting the rights of public at large, then the said judgment should be treated as a judgment 'in rem' with intention to give benefit to all similarly situated persons whether they approached this Court or not. With such a pronouncement, the obligation is casted upon the authorities to itself extend the benefit thereof to all similarly situated persons. The judgment passed by this Court in the case of **Vijay Singh** (supra) can be treated as a judgment "*in rem*" and not "*in personam*" henceforth. The respondents are directed to grant all the benefits issued by this Court in the case of **Vijay Singh** (supra) to all similarly situated aggrieved persons without compelling them to approach this Court again and again for getting similar orders.

17. For this purpose, the petitioners and all similarly placed persons may approach the Secretary or the Head of their respective departments by way of filing appropriate representations for redressal of their grievances. The Secretary and the Head of the respective department are expected to consider the case and refer the same to the Department of Finance for taking appropriate decision in the light of judgment passed by this Court in the case of **Vijay Singh** (supra).

18. It goes without saying that whenever a representation is submitted to the Secretary or to the Head of the Department, it is expected from them to consider the same immediately and to decide the same expeditiously, as early as

possible, preferably within a period of three months from the date of receiving the representation. It is made clear that in case, any wilful disobedience is made by the respondents in compliance of the orders passed by this Court, then the same would be viewed seriously and would amount to contempt of Court and appropriate proceedings would be initiated against the person concerned who is liable for the same.

19. It goes without saying that the persons who have not approached this Court are not supposed to approach this Court and they may straightaway approach the Department concerned by way of filing representations and it is expected from the Departments to decide the same in the light of the judgment passed by this Court in the case of **Vijay Singh** (supra).

20. In view of the above, all these petitions stand disposed of. The stay applications and all pending applications, if any, stand disposed of.

21. No order as to costs.

22. Before parting with the order, it is expected from the Welfare State Government that it would grant the benefit of this annual increment to each and every retired pensioners who retired on 30th June and has approached this Court or to their parent departments. It is expected from the State that it would develop such a mechanism or website for each Department where any of such beneficiary would submit his application raising his/her grievance and the same would be redressed by the concerned department expeditiously.

23. Registry is directed to place a copy of this order separately in each connected file.”

2. Counsel submits that pursuant to the aforesaid orders passed in the case of **Ramesh Chand Sharma** (supra) and **Vijay Singh** (supra), the petitioner has submitted a detailed comprehensive representation in the office of the respondents

on 24.11.2024, but in-spite of passing of considerable time, till date, the representation submitted by the petitioner has not been decided by the respondents by passing a reasoned and speaking order.

3. Considering the above factual aspect of the matter, the instant writ petition stands disposed of with direction to the respondents to decide the representation of the petitioner expeditiously as early as possible, preferably within a period of three months from the date of receipt of certified copy of this order in the light of the judgment passed by this Court in the case of **Ramesh Chand Sharma** (supra) and **Vijay Singh** (supra).

4. The stay application and all pending applications, if any, also stand disposed of.

(ANOOP KUMAR DHAND),J