

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 5863/2022

Abdul Kadir S/o Abdul Rahman

-----Petitioner

Versus

State Of Rajasthan

-----Respondent

Connected With

S.B. Civil Writ Petition No. 5858/2022

Prabhakar Sharma Son Of Shri Rajendra Kumar Sharma

-----Petitioner

Versus

State Of Rajasthan

-----Respondent

S.B. Civil Writ Petition No. 5873/2022

Mrs. Neelam Agarwal D/o Shri Nawal Kishore Agarwal

-----Petitioner

Versus

State Of Rajasthan

-----Respondent

S.B. Civil Writ Petition No. 5874/2022

Ravi Kumar Sain S/o Shri Omprakash Verma

-----Petitioner

Versus

State Of Rajasthan

-----Respondent

S.B. Civil Writ Petition No. 5879/2022

Ramgopal Anchara S/o Shri Sitaram Anchara

-----Petitioner

Versus

State Of Rajasthan

-----Respondent

S.B. Civil Writ Petition No. 5887/2022

Balu Sahay Bairwa S/o Shri Chhaju Ram Bairwa

-----Petitioner

Versus

State Of Rajasthan

-----Respondent

S.B. Civil Writ Petition No. 5890/2022

Subhash Chand Jagarwal Son Of Parbhu Dayal Jagarwal



[CW-5863/2022]

-----Petitioner

Versus

State Of Rajasthan

-----Respondent

S.B. Civil Writ Petition No. 5893/2022

Vinod Yadav S/o Shri Bhainroo Ram Yadav

-----Petitioner

Versus

State Of Rajasthan

-----Respondent

S.B. Civil Writ Petition No. 5895/2022

Krishna Mahawar D/o Jai Narayan Mahawar

-----Petitioner

Versus

State Of Rajasthan

-----Respondent

For Petitioner(s)	:	Mr. Ashwini Kr. Jaiman Mr. Daksh Pareek Mr. Keshav Parashar
For Respondent(s)	:	Dr. Vivek Tyagi

HON'BLE MR. JUSTICE GANESH RAM MEENA

Judgment / Order

19/02/2024

The matters come upon applications filed by the petitioners separately, numbered as 1/2023 in each case.

By these applications, the petitioners have prayed that during pendency of the writ petitions, the respondents be directed to revise the pay of petitioners and bring them at par in terms of order dated 19.05.2023 with their counter parts who were appointed alongwith them and respondents be directed to pay the same salary to the petitioners as being paid to the similarly situated persons or alternatively during pendency of the writ

petitions, respondents be directed to pay minimum of basic pay i.e. Rs. 26,300/- to the petitioners.

By way of filing the separate writ petitions, the petitioners have challenged the order dated 08.04.2022, whereby their appointments on the post of Lab Technician were cancelled.

Learned counsels for the petitioners submit that after due process of recruitment, the petitioners were selected and appointed on the post of Lab Technician vide appointment order dated 26.03.2021 and were given posting vide order dated 16.04.2021. In furtherance of the appointment and posting orders, the petitioners joined the duties on the post of Lab Technician.

Counsels further submit that after about 1 year, the appointment of the petitioners were cancelled. They further submit that this Court, vide order dated 18.04.2022 had stayed the operation of order dated 08.04.2022 in each of the petition and since the impugned order dated 08.04.2022 was stayed by this Court and the petitioners are continuing in service, they are entitled for all such benefits which are being given to the persons working on the same post in furtherance of the same selection process.

Per-contra, learned counsel for the respondent-State submits that the petitioners are not having the required qualifications for recruitment to the post of Lab Technician from a recognized Institute. Therefore, the petitioners are not entitled for any kind of relief.

Learned counsel for the Rajasthan Para Medical Council submits that the petitioners were registered with the Council after

due verification of their documents. He further submits that during the registration process, the qualifications possessed by the petitioners have been found to be from a recognized University, which is a valid qualification.

Considered the submissions made by counsels for both the parties.

It is not in dispute that the petitioners were appointed on the post of Lab Technician after passing due process of recruitment and on being selected, they were given appointment vide order dated 26.03.2021 and thereafter given posting vide order dated 16.04.2021. The petitioners have joined the duties in furtherance of their selection and posting. After about one year, the appointments of the petitioners have been cancelled vide order dated 08.04.2022 on the count that they are not having the requisite qualifications from a recognized Institute.

After considering the submissions made by counsels for the petitioners, this Court, vide order dated 18.04.2022 stayed the operation of impugned order dated 08.04.2022, whereby the appointments of the petitioners were cancelled. In view of the interim order dated 18.04.2022, passed by this Court, the petitioners are continuing in service. Since the petitioners are continuing in service, they are entitled for all kind of benefits including pay fixation, increment, etc. as like other persons working on the same post in furtherance of the same appointment orders made by same recruitment.

In view of the above, all the applications filed by the petitioners separately in each case, are allowed. The respondents are directed to extend the same benefit to the petitioners i.e. pay

fixation, increment, salary, etc. as is being given to all other employees working on the post of Lab Technician in furtherance of their selection in the same recruitment as of the petitioners during the pendency of the petitions. However, it is made clear that this order will not create any equity in favour of the petitioners.

(GANESH RAM MEENA),J

GAURAV SRIVASTAVA /140-148