

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

D.B. Special Appeal Writ No. 393/2026

Dr Vinita Joshi W/o Shri Shailendra Joshi

----Appellant

Versus

Secretary

----Respondent

For Appellant(s) : Mr. Dharmendra Jain

For Respondent(s) :

HON'BLE THE ACTING CHIEF JUSTICE MR. SANJEEV PRAKASH SHARMA
HON'BLE MR. JUSTICE BIPIN GUPTA

Order

04/05/2026

1. Learned counsel for the appellant submits that the Appellate Authority remanded the matter back to the competent Authority to decide the application afresh, taking into consideration, the judgment passed by learned Single Judge in the case of **Managing Committee, Sanskar School Vs. Smt. Rama Dutt (S.B. Civil Writ Petition No.2974/2023)**, wherein the learned Single Judge was of the view that the issue regarding payment of gratuity ought to be examined by the Non-Government Educational Institution Tribunal under the Non-Government Educational Institutions Act, 1989.

3. Learned counsel for the appellant further submits that the option of filing an application before the competent Authority for payment of gratuity is available to the writ petitioner and therefore, the matter ought not have been remanded back, whereas the learned Single Judge has again remanded the matter back to the competent Authority with the direction that the

observations of the Appellate Authority shall not be taken into consideration which results in anomalous situation.

4. Issue notice to the respondents, returnable within a period of four weeks.
5. 'Dasti' service is also permissible.
6. In the meantime, the competent Authority is restrained from passing any order.

(BIPIN GUPTA),J

(SANJEEV PRAKASH SHARMA),ACTING CJ

RAHUL/MAHIMA/9