

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 6994/2026

Rekharam Saini S/o Bhagirathmal Saini, Aged About 55 Years,
R/o Kisan Colony, Ashok Nagar, Post Bagad District Jhunjhunu,
Rajasthan.

-----Petitioner

Versus

1. State Of Rajasthan, Through Principal Secretary, School Education Department, Secretariat, Jaipur
2. The Director, Secondary Education, Rajasthan, Bikaner.
3. The District Education Officer (Hqrs), Secondary Education, Jhunjhunu.
4. The Chief Block Education Officer, Smsa, Block Chirawa, District Jhunjhunu, Rajasthan.

-----Respondents

For Petitioner(s) : Mr. Ram Pratap Saini, Adv. with
Mr. Aamir Khan, Adv.

For Respondent(s) :

HON'BLE MR. JUSTICE ANAND SHARMA

Order

04/05/2026

1. This writ petition has been filed by the petitioner with following prayers:-

"It is therefore, most respectfully prayed that this Hon'ble court may very graciously be pleased to accept and allow this writ petition and further be pleased to:

i) Issue an appropriate writ order or direction in the nature thereof thereby, the impugned order dated 29.01.2025 and rejection of representation vide impugned Orders dated 28.04.2025 and 05.12.2025 passed by the respondents may kindly be quashed and set aside;

ii) By issuing an appropriate writ, order or direction in the nature thereof, the Respondents may kindly be directed to give posting to the petitioner at Govt. Girls Sr. Secondary School, Islampur, Jhunjhunu or if at Islampur post is not vacant then he may be posted at Seth Johrimal Rungtha Govt. Sr. Secondary School, Makhar Block Jhunjhunu on the post of Teacher Gr.III L-1 where post is lying vacant as per official record.

iii) By an appropriate writ, order and direction in the nature thereof thereby, the respondent may kindly be directed to pay salary and allowances to the petitioner which has not been paid since 29.01.2025 after reinstatement with interest @ 24% p.a.

iv) Pass any other appropriate order which this Hon'ble Court may deem fit, just and proper in the facts and circumstances of the case in favour of the Petitioner.

v) Cost of the writ petition be also awarded in favour of the Petitioner."

2. At the outset, learned counsel for the petitioner does not press prayer No.2 with regard to seeking directions to give posting to the petitioner at a particular place.

3. However, learned counsel submits that on account of pendency of a criminal case, the petitioner was arrested by the Police Authorities and thereupon, the petitioner was placed on suspension vide order dated 04.05.2022 and his suspension was continued for a long period. Learned counsel submits that as per Rules, if the suspension order continues for a period more than 6 months then the incumbent is entitled for subsistence allowance @ 75% of the salary, yet in the case of the petitioner, the respondents continued to pay only 50% and despite representation submitted by the petitioner, till date such benefit have not been given to the petitioner.

4. Learned counsel submits that petitioner would be satisfied, in case, liberty is granted to the petitioner to submit a fresh representation in this regard, which may be considered by the respondents strictly in accordance with law.

5. In view of above limited prayer made by learned counsel for the petitioner, this Court deems it just and proper to dispose of this writ petition at this stage with liberty to the petitioner to submit a representation with regard to grant of 75% subsistence allowance during the suspension period beyond 6 months and in case, such representation is received by the respondents, same shall be considered and decided strictly in accordance with law within a period of 30 days from the date of receipt of representation along with certified copy of this order.

6. It is made clear that this Court has not expressed any opinion on merits of the case.

7. Pending application(s), if any, stand(s) disposed of.

(ANAND SHARMA),J