

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 1102/2004

1. Dilip Kumar Sharma, son of Shri Jagdish Prasad Sharma, aged about 32 years, resident of village Dhigariya via Baniyana, Tehsil Dausa, District Dausa.
2. Ramesh Chandra Sharma, son of Shri Ladu Ram Sharma, aged about 35 years, resident of Hingotiya, Tehsil and District Dausa.
3. Ramavtar Sharma, village Lanaka, son of Sharma, aged about 33 Sharwan Shri years, Post Bhandarej, District Dausa. Lal resident of via Bainrawanda,
4. Triveni Shyam Sharma, son of Shri Bajrang Lal Sharma, aged about 32 years, resident of village Lanaka, Post Bhandarej, District Dausa. Bainrawanda, via
5. Raj Kumar Sharma, son of Shri Govind Narain Sharma, aged about 39 years, resident of Rampura Kalan, Post Palunda, Tehsil Lalsot, District Dausa.
6. Nand Kishore Sharma, son of Shri Govind Narain Sharma, aged about 32 years, resident of Rampura Kalan, Post Palunda, Tehsil Lalsot, District Dausa.
7. Ganesh Kumar Sharma, son of Shri Nand Kishore Sharma, aged about 36 years, resident of Dausa.
8. Om Prakash Saini, son of Shri Ram Kishore Saini, aged about 39 years, resident of Mahalbag, Rajgarh, District Alwar (Raj.)
9. Girraj Prasad Sharma s/o shri Radhyshyam r/o Dausa, District Dausa.

-----Petitioners

Versus

1. State of Rajasthan, through Secretary, Panchayati Raj and Primary Education. Govt. of Rajasthan, Secretriare, Jaipur.
2. Director, Primary and Secondary Education, Govt. of Rajasthan, Bikaner.
3. District Education Officer, Primary Education, Agra

Road,Dausa.

-----Respondents

Connected With

S.B. Civil Writ Petition No. 9208/2002

1. Ramesh Chandra Pareek S/o Shri Bhagwat Sahai Sharma
Age about 39 years r/o village & Post Talaab gaon, Teh. Lalsot,
Distt. Dausa.
2. Surendra Kumar Jhadolia S/o Shri Kailash Prasad age about
32 years, r/o village Napa-ka-bass, Teh. Lalsot, District, Dausa.
3. Surendra Kumar Sharma, S/o Shri Chaturbhuj Sharma, age
about 35 years r/o village & post Taalab gaon, Teh. Lalsot,
District, Dausa.
4. Dwarka Prasad Soni, S/o Shri Ram Dayal Soni, age about 36
years r/o Purohitpada, Lalsot, District, Dausa.
5. Rajendra Kumar Sharma S/o Shri Shankar Lal Shastri age
about 31 years r/o Purohitpada, Lalsot
6. Babulal Sharma S/o Shri Ramkishore Sharma age about 36
years r/o village & post Suratpura, Teh. Lalsot, District Dausa
7. Ram Vilas Sharma S/o Shri Ganga Sahay Sharma, age about
34 years r/o village & post Kaluwas, Teh. Lalsot, District Dausa
8. Hari Prasad Sharma S/o Shri Mohan Lal Sharma age about
33 years r/o village Bada, post Kalyanpura, Teh. Lalsot, Distt.
Dausa.
9. Suresh Kumar Sain S/o Shri Ram Sahay Sain age about 36
years r/o village & post Bidarkha, Teh. Lalsot, District Dausa.
- 10 Shiv Prakash Pareek, S/o Shri Rameshwar Prakash Pareek
age about 32 years, r/o Kothun Road, Lalsot (Dausa).

-----Petitioners

Versus

1. Secretary, Panchayti Raj. & Primary Education, Govt. of
Rajasthan, Secretariat, Jaipur
2. Director, Primary & Secondary Education, Govt. of Rajasthan,

Bikaner.

3. Collector & District Magistrate, Dausa.

4. Dy. Director (Jaipur Range), Deptt. of Education,, Gandhi Nagar, Jaipur

5. District Education Officer, Primary Education, Agra Road, Dausa.

-----Respondents

Connected With

S.B. Civil Writ Petition No. 9368/2006

Babu Lal Yadav S/o Shri Suraj Mal Yadav, aged 52 years, R/o Village Bilanderpur, Via Khejroli, Tehsil Shahpura, District Jaipur (Raj.)

-----Petitioner

Versus

1. The State of Rajasthan, through Secretary, Education Department Government Rajasthan, Secretariat, Jaipur. of
2. Director, Education, Government of Rajasthan, Bikaner
3. District Education Officer, Dausa (Raj.) -----Respondents

For Petitioner(s)	:	Mr. Devendra Kumar Bhardwaj, Mr. Raghunandan Sharma, Mr. Abhinav Shrivastava, Ms. Kritika Rajawat, Ms. Meeta Pareek, Mr. Ayush Bishnoim, Ms. Manasvita Sharma, Mr. Kailash Chand Sharma
For Respondent(s)	:	Mr. Abhishek Sharma, Mr. S.M. Sharma, Mr. Manisk Kaswan for Mr. Manoj Sharma, AAG, Ms. Apporva Agarwal, Mr. Avinash Bhardwaj, Mr. Divyansh Chaudhary with Mr. Himanshu Jain, Mr. Ashutosh Udawat for Mr. Kapil Prakash Mathur, AAG

HON'BLE MR. JUSTICE PRAVEER BHATNAGAR**Order**

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| 1. Date of conclusion of arguments | <u>10/02/2026</u> |
| 2. Date on which the judgment was reserved | <u>10/02/2026</u> |
| 3. Whether the full judgment or only the operative part is pronounced | <u>Full Judgment</u> |
| 4. Date of pronouncement | <u>17/02/2026</u> |

1. The matter comes upon an application for making compliance with the order passed in S.B. Civil Writ Petition Nos. 1102/2004, 9368/2006 and 9208/2002 dated 13.07.2012.

2. It is contended by learned counsel for the petitioner that this Court vide order dated 13.07.2012 passed certain directions; however, after passing and recording the finding that certain candidates have been appointed based on forged documents, the State Government has not acted upon the directions; therefore, the State Government may be directed to comply with the order.

3. Contrarily, it is contended by learned counsel for the State that pursuant to the order dated 13.07.2012, a detailed inquiry was conducted against the alleged persons, and after conducting the inquiry, their services were terminated. However, the persons who were terminated challenged the termination order by filing an S.B. Civil Writ Petition, and the order was set aside. The matter of Anil Kumar reached the Hon'ble Apex Court, and the State Government's SLP was dismissed. The State Government has filed the specific reply. At para 5 of that reply, it is stated that the

services of the following persons, namely: Anil Kumar Sharma, Dharmendra Kumar Sharma, Babu Lal Sharma, Vishnu Kumar Sharma, Dinesh Kumar Parashar and Ramesh Chandra Sharma, were terminated.

It is also stated in the reply that PTI Murari Lal Kalal also filed a Civil Suit before the Civil Court at Dausa, which was decreed in favour of Murari Lal Kalal, and the Collector, Dausa, did not challenge the said order. The reply also states that the petitioners in the present writ petition were not meritorious for the post of PTI. The respondents have, from time to time, filed a certain compliance report in pursuance of the order passed in the present writ petition. Mr Chhitar Mal Meena and Ghanshyam Lal Verma have already been retired long back, and the officers have been exonerated; therefore, the application filed by the petitioner for compliance with the order dated 13.07.2012 may be dismissed.

4. Private respondent Mr. Anil Kumar Sharma has also filed his affidavit stating that, in pursuance of the direction dated 13.07.2012, a charge-sheet was issued under Rule 16 of the CCA rules. After an inquiry, he was exonerated by the Enquiry Officer and his suspension was revoked. It is also stated that in another writ, his appointment was again questioned, and that the matter was decided based on orders passed in S.B. Civil Writ Petition No. 1102/2004 titled Dilip Kumar Sharma and Ors. Vs. The State of Rajasthan dispensed with his services vide order dated 10.02.2012. The said order was challenged in S.B. Civil Writ Petition No. 3710/2012, and vide judgment dated 10.04.2017, the order of termination was quashed with a direction to conduct a

fresh inquiry. The said order was challenged in D.B. Special Appeal Writ No. 882/2017, and the Division Bench, vide judgment dated 30.10.2017, quashed the entire disciplinary proceedings and the termination order because second disciplinary proceedings cannot be initiated on the same cause of action. The said judgment was challenged before the Apex Court in SLP No. 38992/2018, titled State of Rajasthan & Ors. Vs. Anil Kumar Sharma and the SLP were dismissed vide order dated 30.08.2019. It is also stated on oath that criminal proceedings were also initiated against him, in which he has been charge-sheeted. It is also stated in the affidavit that the Court direction dated 13.07.2012 has already been complied with, and the Court has become 'functus officio' after disposal of the petition on 13.07.2012; therefore, the applications submitted by the petitioners may be dismissed.

5. Heard and perused the material available on record.
6. While disposing of the writ petition, this Court passed the following directions:-

"In view of the facts narrated above, it is a case where it is none other but official respondents who promote an instrument to continue illegal and irregular appointment despite reports indicating the use of forged documents to get bonus marks, thereby leaving meritorious candidates like the petitioners. This Commissioner Court direction was issued to the Principal Department concerned, Secretary, with the hope that proper action would be taken in the matter, so that those who could get an appointment based on their own merit, without indulging in fraudulent acts, may continue, leaving those who had taken appointments based on forged documents. There is a failure of the administration to act, as they remain on the matter and continue to appoint candidates based on forged documents. The Court, however, cannot

shut its eyes to the aforesaid. administration is and not more taking SO when action effectively, rather their action is not but half-hearted, to give effect to the orders only superficial therefore, passed by needs to be this Court earlier, referred matter of the Superintendent of Police, Dausa with a direction to make complete investigation in the recruitment of the year 1995 to the post of Grade-III in PTI District and submit its report to this Court so Dausa investigation that truth may come as to who is the beneficiary of the appointment based on forged documents and with lower merit leaving those who could get appointment genuinely. The Superintendent of Police, Dausa, may register a separate case in the matter with the concerned Police Station so that further action may be taken against those candidates and members of the Selection Committee who were instrumental in making illegal and fraudulent appointments. At this stage, the investigation report should be placed before this Court within two months.

The direction given above is for the ends of justice and to get the truth of the appointment of the year 1995 to the post of PTI Grade-III. This is in the facts and circumstances that there is a failure on the part of the administration to take proper action in the matter, that too, when directions were given even to the higher authorities, i.e., the Principal Secretary to the Department, to the Commissioner. This Court would then take a view as to what action should be taken against those officers who failed to act promptly in the matter and to comply with the directions issued by this Court from time to time. The Court's efforts are only to ensure fairness in the administration's actions.

On getting the report, if it is found that certain candidates have been given forged documents, appointment-based, then as per the judgment of the Hon'ble Court in the Manipur and others Versus Y. Token Singh, Apex no case of State of and others reported in (2007) 5 SCC 65, notice is required to be given to them. Rather, action for termination of the administration of my

services as the principal of natural justice must be followed for those who have taken appointment by legal means. If a candidate is found to have clearly engaged in a fraudulent act to secure an appointment, and the appointment is subsequently terminated, the resulting vacancy should be filled by candidates who stand in merit. Direction aforesaid has been given while disposing of the present writ petitions in the peculiar facts and circumstances of the case and for the ends of justice. The writ petitions have been disposed of but are listed before this Court after three months, pending the investigation report by the Superintendent of Police, Dausa. The registry is directed to send a copy of this order to the Superintendent of Police, Dausa, for compliance.

This disposes of stay applications also."

The State Government has complied with the directions and, pursuant to that, initiated a departmental inquiry against the alleged persons accused of using forged documents in the selection process. The State Government has also terminated the services of persons who allegedly used forged documents; however, a subsequent challenge to the termination order resulted in it being set aside, and the matter went up to the Hon'ble Apex Court in the matter of Anil Kumar.

7. The termination orders against the other alleged persons have been set aside and have attained finality. This Court cannot again initiate the departmental inquiry or direct the police to investigate the matter. Furthermore, the petitioners in the present case failed to qualify and did not fall in the category of successful candidates. This court cannot allow the petitioners to continue the writ petition in the light of the aforesaid facts. Hence, the writ petition is finally directed to be consigned to the record,

considering that nothing is required to be complied with the directions dated 13.7.2012.

8. The applications of the petitioner's are thus hereby dismissed.

(PRAVEER BHATNAGAR),J