

  
**HIGH COURT OF JUDICATURE FOR RAJASTHAN**  
**BENCH AT JAIPUR**

D.B. Civil Writ Petition No. 10405/2026

Dr. Narendra Singh S/o Shri Bhom Singh & Ors.

----Petitioners

Versus

State of Rajasthan & Ors.

----Respondents

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For Petitioner(s) : Mr. Virendra Lodha, Sr. Adv. with  
Mr. Praveen Sharma,  
Mr. Himanshu Jain &  
Mr. Ankit Rathore

For Respondent(s) :

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**HON'BLE MR. JUSTICE UMA SHANKER VYAS (V. J.)**

**HON'BLE MR. JUSTICE ASHOK KUMAR JAIN (V. J.)**

**Order**

**11/06/2026**

Heard learned Senior Counsel appearing on behalf of petitioners. Perused the material placed on record.

The petitioners have challenged notification dated 08.10.2023 as contrary to the spirit of Article 309 of the Constitution of India. Consequently, the Rajasthan College Education Society (RAJ-CES) Hiring of Manpower Rules of 2023 to be quashed and set aside, the petitioners have further prayed for following the procedure prescribed under the Rajasthan Education (Collegiate Branch) Rules of 1986. The prayer of the writ petition is reproduced as under:-

"It is, therefore, most humbly and respectfully prayed that this Hon'ble Court be pleased to call for the entire record relating to the case of the petitioners and after perusing the same may be pleased to accept and allow this writ petition:-

i. By an Appropriate writ, order or directions, the Rajasthan College Education Society (RAJ-CES) hiring

of Man Power Rules of 2023 notified through notification dated 08.10.2023 may be declared as ultra vires to the Constitution and contrary to the spirit of Article 309 of the Constitution of India. Accordingly, the Rules of 2023 may be quashed and set aside and Respondents may be directed to follow the procedure prescribed under the Rajasthan Education (Collegiate Branch) Rules of 1986.

ii. By an Appropriate writ, order or direction, the consequent action of the Respondent Board of issuing advertisement No. 6/2026 dated 30.04.2026 may be quashed and set aside and Respondent may be directed to continue with the services of the Petitioner on the post of Assistant Professor (Various Subjects) till Respondents engaged regularly selected candidates under the Scheme of Rules of 1986.

iii. By an Appropriate writ order / directions, if any order detrimental to the interest of the petitioners is passed on the basis of the impugned advertisement, the same may kindly be taken on record and be quashed and set aside.

iv. By Appropriate writ of direction the respondents may kindly be directed to allow petitioners to continue on the post of college lecturers/Associates officers under Vidya Sambal Yojna in respective colleges in respective subject for next academic session and thereafter till the regularly selected candidates are made available through RPSC.

v. Any other relief which this Court may deems fit and proper may be granted to the petitioners."

A Co-ordinate Bench at Principal Seat, Jodhpur in case of

**D.B. Special Appeal Writ No.1329/2025** titled as **Dr. Sunil Bishnoi & Ors. versus State of Rajasthan & Ors.** has considered identical issue on 15.04.2026 and observed as under:-

"3. We notice that the State Government has virtually shifted the Higher Education Department to a Society. The colleges which were earlier under the Rajasthan Education Services (Collegiate Branch) Rules, 1986 have been shifted by forming a Society under the Societies Registration Act, 1958, which would make the Service Rules otiose and the proviso to Article 319 of the Constitution redundant. Prima facie the order dated 11.07.2022 (Annx. 7) passed by

the State Government forming Rajasthan College Education Society appears to be contrary to the ethos of the Constitution.

4. Let learned Advocate General appear and make submission as to why the formation of Rajasthan College Education Society should not be declared illegal.

5. Meanwhile, the appellants shall continue to perform their work as guest faculties even for the next session."

Having considered the legal position that a contractual employee cannot be replaced by another set of contractual employee and the replacement has to be made only by regular selection under the rules. We are of the view that the matter requires consideration by this Court.

Hence, Admit.

Issue notice to respondents. Additional service upon Standing Counsel is also permitted.

Issue notice for stay application as well.

Considered the stay application.

Meanwhile, the petitioners shall be permitted to continue to perform their work as Guest Faculties even for next session till next date of hearing.

List on 13.07.2026.

(ASHOK KUMAR JAIN (V. J.)),J

(UMA SHANKER VYAS (V. J.)),J