

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 9312/2024

Onkar Meena S/o Sh. Pratap Meena

-----Petitioner

Versus

State Of Rajasthan

-----Respondent

For Petitioner(s) : Mr. Vikas Jain

For Respondent(s) :

HON'BLE MR. JUSTICE GANESH RAM MEENA

Judgment / Order

31/05/2024

Counsel for the petitioner submits that the respondents are not considering the case of the petitioner for engaging him under the Rajasthan Contractual Hiring to Civil Posts Rules, 2022 (for short 'the Rules of 2022') in view of the fact that petitioner remained out of service from 01.12.2015 to 18.05.2023.

Counsel further submits that the petitioner was initially working on the post of Senior Technical Assistant under the Mahatma Gandhi National Rural Employment Guarantee (MGNREGA) Scheme, Rajasthan and was removed from service vide order dated 01.12.2015. However, the aforesaid order was set aside by the Co-ordinate Bench of this Court in ***S.B. Civil Writ Petition No. 18855/2015, Onkar Meena Vs. State of Rajasthan & Anr. decided on 04.05.2023.***

Counsel further submits that once the order of removal has been set aside, the intervening period during which the petitioner remained out of service is to be treated in service.

In support of his submissions the counsel has relied upon the order passed in case of ***Vinod Kumar Vs. G.N.C.T. of Delhi & Ors. Passed by the High Court of Delhi in Writ Petition (Civil) 1078/2018 decided on 25.09.2023*** and also the order passed by the Hon'ble Apex Court in the case of ***Deepali Gundu Surwase Vs. Kranti Junior Adhyapak Mahavidyalaya (D.Ed.) & Ors. (Civil Appeal No. 6767/2013) decided on 12.08.2013.***

Issue notice of the writ petition as well as stay application to the respondents. Rule is made returnable within a period of four weeks.

List this matter on 31.07.2024.

In the meanwhile, candidature of the petitioner shall be provisionally considered for engagement as per the process under the Rajasthan Contractual Hiring to Civil Posts Rules, 2022.

(GANESH RAM MEENA),J