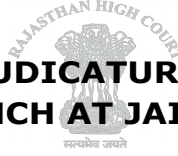




**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**



S.B. Civil Writ Petition No. 13004/2024

Renu D/o Shri Suresh Kumar W/o Shri Amit Kumar, Aged About 30 Years, R/o Village Deolawas, Tehsil Buhana, District Jhunjhunu (Raj.)

-----Petitioner

Versus

1. State Of Rajasthan, Through Principal Secretary, Department Of School Education, Government Of Rajasthan, State Secretariat, Jaipur.
2. Rajasthan Staff Selection Board, Through Its Secretary, State Agriculture Management Institution Campus, Durgapura, Jaipur.
3. The Director Elementary Education, Near Lalgah Palace, Bikaner (Raj.)
4. District Education Officer (Elementary), Barmer (Raj.)
5. Chief Executive Officer, Zila Parishad, Barmer (Raj.)

-----Respondents

For Petitioner(s)	:	Mr. Sandeep Garssa
For Respondent(s)	:	Mr. Gopal Krishan Sharma, AGC Mr. Sandeep Kumar Maheshwari

HON'BLE MR. JUSTICE ANAND SHARMA

Order

01/05/2026

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

"It is, therefore, most humbly prayed that this Hon'ble Court may kindly be pleased to call for the record, examine the same and accept and allow this writ petition:-

(i) by issuing an appropriate writ, order or direction in the nature thereof and thereby the action of the respondent No.5 as illegal and



arbitrary in not including the name of the petitioner in the list for posting dated 16.06.2024 (Annexure-5) without assigning any reason inspite of her appointment and allotment of school after counseling;

(ii) by issuing an appropriate writ, order or direction in the nature thereof and thereby the respondents may kindly be directed to give appointment to the petitioner on the post of Teacher Level-II (Class-6 to 8) English- General Education in pursuance of final selection and district allotment order dated 31.05.2024 (Annexure-3) issued by the Director, Elementary Education, Bikaner as well as list of posting place (Annexure-4) issued by the District Education Officer (Elementary), Barmer with all consequential benefits from the date of posting on which the candidates of impugned order dated 16.6.2024 have been granted;

(iii) Any other appropriate order or directions which is deemed just and proper by this Hon'ble Court may also be passed in favour of the petitioner;

(iv) Costs of the writ petition may kindly be awarded in favour of the petitioner."

2. It is stated by learned counsel for the petitioner that the petitioner participated in the recruitment process initiated by Rajasthan Staff Selection Board, Jaipur for appointment on the post of Teacher Grade-III, Level-II in which the petitioner participated in the category of General (EWS) for the post of Teacher in English subject.

3. Learned counsel for the petitioner submits that after undergoing the entire process, the petitioner was selected and appointment order dated 31.05.2024 was issued and even district was also allotted to the petitioner, yet only on the ground that the EWS certificate possessed by the petitioner was not considered as proper, she was not allowed to join, as the petitioner belongs to



State of Haryana and her migration certificate was issued by the authorities in State of Rajasthan, where she has been residing after her marriage. Learned counsel also submits that controversy in this regard has already been adjudicated by the Co-ordinate Bench of this Court at Principal Seat, Jodhpur in a batch of **D.B. Special Appeal (Writ) No.365/2025 (State of Rajasthan & Ors. Vs. Uganta Kanwar)** dated 11.02.2026, wherein the Division Bench has observed as under:-

"23. This Court finds that the judgment passed in the case of **Smt. Twarit Gehlot (supra)** is applicable to the present case also as the reservation for Economic Weaker Sections cannot be denied to a person simply on the ground of migration from one State to another, more particularly when while calculating the total income of the family for the purpose of determining the status of Economic Weaker Sections i.e. the maximum total income of rupees eight lakhs, the income of the parents and the spouse as well as children and the siblings is to be considered."

4. In view of above, where the Division Bench in the case of **Uganta Kanwar (supra)**, has clearly laid down that benefit of reservation for Economic Weaker Sections cannot be denied to a person simply on the ground of migration, this Court finds that the petitioner is also eligible and entitled for getting benefit of reservation of EWS in the State of Rajasthan also.

5. Hence, in view of above, the respondent No.1, 4 and 5 shall consider the candidature of the petitioner in the light of judgment of **Uganta Kanwar (supra)**, and in case, the petitioner is otherwise eligible, she would be allowed to join pursuant to order dated 14.06.2024 issued by respondent No.4.



6. Necessary order in this regard shall be passed within a period of 60 days from the date of receipt of a certified copy of this order.
7. Accordingly, the present writ petition stands disposed of.
8. Pending application(s), if any, also stand(s) disposed of.

(ANAND SHARMA),J