

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 6960/2017

1. Namo Narayan Verma S/o Shri Ram Kishore Verma, Village Lala La Bass, Post Mahapura, Via Bhankrota, Tehsil Sanganer, District Jaipur, At Present Working As P.t.i. Grade-IIird In Govt. Sr. Secondary School Joona Meetha Kheda, Panchayat Samiti Sindhari, District Barmer.

----petitioner(s)

Versus

1. The State Of Rajasthan Through Secretary To The Govt. Secondary Education Department, Govt. Of Raj, Secretariat, Jaipur
2. The Director, Secondary Education, Bikaner Raj.

----Respondents

Connected With

S.B. Civil Writ Petition No. 15855/2016

1. Mahendra Singh S/o Mohan Lal, Village Bhairupura, District Sikar

----petitioner(s)

Versus

1. The State Of Rajasthan Through Principal Secretary, Department Of Secondary Education, Government Of Rajasthan, Government Secretariat, Jaipur
2. The Director, Secondary Education, Bikaner Rajasthan
3. The Dy. Director Secondary Education, Kota Division, Kota

----Respondents

S.B. Civil Writ Petition No. 7279/2017

1. Girdhar Gopal Balai S/o Shri Shyam Lal Balai, Village And Post Anwa, Tehsil Duni, District Tonk, Raj..
2. Rajesh Kumar Meena S/o Shri Batti Lal Meena, Village

Sarangpura, Post Koyala, Tehsil Bamanwas, District
Sawaimadhopur Raj..

----petitioner(s)

Versus

1. The State Of Rajasthan Through Its Secretary, Secondary
Education, Department Of Education, Govt. Of Rajasthan,
Secretariat, Jaipur.
2. The Director, Secondary Education, Directorate, Bikaner.

----Respondents

S.B. Civil Writ Petition No. 23281/2017

1. Siyaram Yadav S/o Rameshwar Prasad Yadav, R/o Village
Bhojyara, Post Tuntoli, Tehsil Chaksu, District Jaipur
Rajasthan

----petitioner(s)

Versus

1. The State Of Rajasthan Through The Secretary,
Department Of Rural Development And Panchayati Raj,
Government Of Rajasthan, Secretariat, Jaipur
2. Rajasthan Subordinate And Ministerial Services Selection
Board, State Institute Of Agriculture Management
Premises, Durgapura, Jaipur, Through Its Secretary.

----Respondents

S.B. Civil Writ Petition No. 23786/2017

1. Rahul S/o Murari Lal, R/o Vpo Majri Kalan, Tehsil
Neemrana, District Alwar, Rajasthan.

----petitioner(s)

Versus

1. The State Of Rajasthan Through The Secretary,
Department Of Rural Development And Panchayati Raj,
Government Of Rajasthan, Secretariat, Jaipur.
2. Rajasthan Subordinate And Ministerial Services Selection

Board, State Institute Of Agriculture Management
premises, Durgapura, Jaipur, Through Its Secretary.

----Respondents

S.B. Civil Writ Petition No. 129/2018

1. Rajesh Choudhary S/o Bhanwar Lal, R/o Ward No. 5,
Jaton Ka Mohalla, Near Shiv Mandir, lambiya Kala, Tehsil
Baneda, District Bhilwara, Rajasthan.

----petitioner(s)

Versus

State Rural Develop And Panchayati Ors

1. The State Of Rajasthan Through The Secretary,
Department Of Rural Development And Panchayati Raj, G,
Secretariat, Jaipur.
2. The Chief Executive Officer, Zila Parishad Chittorgarh.
3. The Chief Executive Officer, Zila Parishad Bhilwara.

----Respondents

S.B. Civil Writ Petition No. 856/2018

1. Ravi Kumar S/o Gouri Shankar, R/o Vpo Ujjalwas, Tehsil
Nohar, District Hanumangarh, Rajasthan.

----petitioner(s)

Versus

1. The State Of Rajasthan Through The Secretary,
Department Of Rural Development And Panchayati Raj,
Government Of Rajasthan, Secretariat, Jaipur.
2. Chief Executive Officer, Zila Parishad Jaisalmer.
3. Chief Executive Officer, Zila Parishad Sriganganagar.

----Respondents

S.B. Civil Writ Petition No. 27986/2018

Shahrin S/o Baseer Khan, Aged About 28 Years, R/o Vpo
Baghor, Tehsil Tijara, District Alwar, Rajasthan.

----Petitioner

Versus

1. The State Of Rajasthan, Through The Secretary, Department Of Rural Development And Panchayati Raj, Government Of Rajasthan, Secretariat, Jaipur.
2. The Chief Executive Officer, Zila Parishad, Bhilwara.
3. The Chef Executive Officer, Zila Parishad, Alwar.

-----Respondents

S.B. Civil Writ Petition No. 3136/2019

1. Pramod Kumar Khicher S/o Late Shri Harphool Singh, Aged About 39 Years, R/o Village Delser Khurd, Post Delsar Khurd, Distt. Jhunjhunu (Rajasthan).
2. Vijay Kumar S/o Shri Bhagirath Singh, Aged About 40 Years, R/o Village Nand Ka Bass, Post Nand, Distt. Jhunjhunu (Rajasthan).

-----petitioner(s)

Versus

1. The State Of Rajasthan Through Its Secretary, Secondary Education, Department Of Education, Govt. Of Rajasthan, Secretariat, Jaipur.
2. The Director, Secondary Education, Directorate, Bikaner.
3. The Rajasthan Public Service Commission, Ajmer Through Its Secretary, Ghooghra Ghati, Ajmer (Raj.).
4. Dy. Director, Secondary Education, Churu Range, Churu.
5. Dy. Director, Secondary Education, Jodhpur Range, Jodhpur.

-----Respondents

S.B. Civil Writ Petition No. 4011/2019

Renu Meena D/o Sh. Ganpat Lal Meena W/o Lt. Sh. Mahesh Kumar Meena, Aged About 42 Years, R/o Meeno Ka Mohalla, Azad Chowk, Village Narayana, Tehsil Phulera, Dist. Jaipur (Raj.)

-----Petitioner

Versus

1. State Of Rajasthan, Through Secretary Rural Development And Panchayati Raj Department, Govt. Of Rajasthan, Govt. Secretariat, Jaipur (Raj)
2. Chief Executive Officer Zila Parishad, Jaipur

-----Respondents

S.B. Civil Writ Petition No. 5828/2019

1. Nikhil Kumar Goyal S/o Murari Lal Goyal, Aged About 25 Years, R/o Purohiton Ka Mohalla, Bansur, Post Tehsil Bansur, District Alwar (Raj.).
2. Raju Soni S/o Shree Kishan Lal Soni, Aged About 32 Years, R/o Main Market, Tehsil Thanagazi, Distt. Alwar (Raj.).
3. Mahesh Kumar S/o Shri Ashwani Kumar, Aged About 28 Years, R/o Village Rasulpur, Post Pacheri Bari, Distt. Jhunjhunu (Raj.).
4. Mukesh Kumar Haritwal S/o Gangaram Haritwal, Aged About 26 Years, R/o Village - Hanutpura, Post - Khoraladkhani, Tehsil - Shahpura, Distt. Jaipur (Raj.).
5. Prabhu Lal Yadav S/o Shri Ram Gopal Yadav, Aged About 27 Years, Village - Gopalpura, Post Habaspura, Tehsil Phulera, Distt. Jaipur (Raj.).
6. Devendra Sujaria S/o Shri Shivji Lal, Aged About 24 Years, R/o Sanik Niwas, Ward No. 17, Pratap Colony Nainwa, Distt. Bundi (Raj.).
7. Puspendra Singh S/o Laxman Singh, Aged About 29 Years, R/o Village - Kherali, Post Kherali, Tehsil - Dholpur, Distt. Dholpur (Raj.).
8. Amit Sharma S/o Shri Vinod Kumar Sharma, Aged About 27 Years, R/o Village And Post Balwan, Tehsil Indergarh, Distt. Bundi (Raj.).
9. Mahaveer Saini S/o Prabhu Lal Saini, Aged About 26 Years, Behind Mahadevali, Bikhapura, Ward No. 1, Tonk, Distt. Tonk (Raj.).
10. Rajsingh Akodiya S/o Rajendra Singh Akodiya, Aged About 27 Years, R/o Village And Post Wazirpura, Tehsil Gangapur City, Distt. Sawaimadhopur (Raj.).
11. Manoj Kumar Upadhyay S/o Shri Munna Lal Upadhyay, Aged About 29 Years, R/o Uma Nagar Colony, Behind Chopra Mandir, Dholpur, Distt. Dholpur (Raj.).

-----petitioner(s)

Versus

1. The State Of Rajasthan, Through Its Principal Secretary Panchayati Raj Department, Govt. Of Rajasthan, Govt.

Secretariat, Jaipur (Raj.)

1. The Principal Secretary, Social Welfare And Empowerment Department, Secretariat, Jaipur (Raj.)
2. Rajasthan Staff Selection Board Through Its Secretary, Rajasthan Agriculture Management Institute Premises Durgapura, Jaipur (Raj.).

-----Respondents

S.B. Civil Writ Petition No. 20814/2019

Santosh Gochar D/o Mohan Lal Gochar, Aged About 37 Years,
R/o 1-Na-27, Teachers Colony, Kheshavpura, Kota Rajasthan

-----Petitioner

Versus

1. The State Of Rajasthan, Through Its Principal Education Secretary, Government Secretariat, Jaipur
2. Rajasthan Staff Selection Board, Through Its Secretary, State Institute Of Agriculture Management Premises, Durgapura, Jaipur 302018, Rajasthan India
3. The Director, Secondary Education, Bikaner

-----Respondents

S.B. Civil Writ Petition No. 239/2020

Indra Choudhary D/o Sh. Banwari Lal Choudhary, Aged About 24 Years, R/o Ward No. 33, Sagar Ki Dhani, Vpo Khejroli, Tehsil Chomu, District Jaipur, Rajasthan .

-----Petitioner

Versus

1. The State Of Rajasthan, Through Its Principal Education Secretary, Government Secretariat, Jaipur.
2. The Director, Secondary Education, Bikaner.
3. The District Education Officer, Headquarter, Secondary, Jaisalmer.
4. The District Education Officer, Headquarter, Secondary, Jaipur.

-----Respondents

S.B. Civil Writ Petition No. 1380/2020

Santosh Kumari D/o Shri Rameshwar Lal, Aged About 44 Years,
R/o Vpo Sanvlood, Tehsil Buhana, District Jhunjhunu, Rajasthan.

----Petitioner

Versus

1. The State Of Rajasthan, Through Its Principal Education Secretary, Secretariat, Rajasthan, Jaipur.
2. The Additional Chief Secretary, Panchayati Raj Department, Government Secretariat, Jaipur.
3. The Commissioner, Panchayati Raj Department, Government Secretariat, Jaipur.
4. The Director, Primary Education, Rajasthan, Bikaner.
5. The Chief Executive Officer, Zila Parishad, Chittorgarh.
6. The Chief Executive Officer, Zila Parishad Jhunjhunu.
7. The District Education Officer, Primary, Chittorgarh.
8. The District Education Officer, Primary, Jhunjhunu.
9. The Block Elementary Education Officer, Panchayat Samiti, Chittorgarh, District Chittorgarh.

----Respondents

S.B. Civil Writ Petition No. 2268/2020

Prakash Chand S/o Indraj Singh, Aged About 42 Years, R/o Village Gokulpur, Tehsil Behror, District Alwar, Rajasthan.

----Petitioner

Versus

1. The State Of Rajasthan, Through Its Principal Education Secretary, Government Secretariat, Jaipur.
2. The Director Secondary Education, Bikaner.
3. The District Education Officer, Headquarter, Secondary, Dholpur.
4. The District Education Officer, Headquarter, Secondary, Alwar.

----Respondents

S.B. Civil Writ Petition No. 5832/2020

1. Dr. Surendra Kumar Yadav S/o Ashok Kumar, Aged About 30 Years, R/o Vill. And Post Mundawara Kalan, Tehsil Mundawar, District Alwar.
2. Dr. Ravi Prakash Dadhich S/o Mahendra Kumar, Aged About 26 Years, R/o F-8/54 Laxmi Niwas Behind Sbbj Bank, Bhura Patel Marg, Chitrakoot Nagar Jaipur 302021.

3. Dr. Tejpal Katewa S/o Rampratap Katewa, Aged About 33 Years, R/o Village Kanwerpura, Post Bakhtawerpura, Tehsil Chirawa, District Jhunjhunu, Rajasthan.
4. Dr. Sanjeeta Kumari D/o Roshan Lal, Aged About 26 Years, R/o Village Bhagina, Post Kajra, Tehsil Surajgarh, District Jhunjhunu, Rajasthan.
5. Dr. Nidhi Yadav D/o Bhopal Singh Yadav, Aged About 28 Years, R/o Bharthari Colony, Ward No. 25, Tehsil Behror, District Alwar.
6. Dr. Prateek Vashistha S/o Prem Kumar Sharma, Aged About 34 Years, R/o S-1, Plot No. 100, J.p. Colony, Imli Phatak, Jaipur, Rajasthan.
7. Dr. Shubham Tikkiwal S/o Dinesh Kumar Tikkiwal, Aged About 26 Years, R/o 11/143, Kaveri Path, Mansarovar, Jaipur, Rajasthan.
8. Dr. Aatma Ram Dhojak S/o Late Gajadhar Dhojak, Aged About 25 Years, R/o Vpo Jhareli, Tehsil Jayal, District Nagaur, Rajasthan.
9. Dr. Deepshikha D/o Murari Lal, Aged About 26 Years, R/o Village Mirzapur, Post Palawa, Teshil Mundawar, District Alwar, Rajasthan.

-----petitioner(s)

Versus

1. State Of Rajasthan, Through Additional Chief Secretary, Department Of Medical, Health And Family Welfare, Government Secretariat, Jaipur, Rajasthan 302005.
2. The Director (Public Health), Medical And Health Services, Rajasthan, Jaipur.
3. The Chief Medical And Health Officer, Banswara.
4. The Chief Medical And Health Officer, Pratapgarh.
5. The Chief Medical And Health Officer, Dholpur.
6. The Chief Medical And Health Officer, Pratapgarh.
7. The Chief Medical And Health Officer, Dungarpur.
8. The Chief Medical And Health Officer, Sirohi.

-----Respondents

S.B. Civil Writ Petition No. 6851/2020

Sushama Yadav D/o Shri Vijay Singh Yadav, Wife Of Shri Rajesh

Yadav, Aged About 37 Years, R/o Gram Karnikot Post Office Karnikot, Tehsil Mundawar, District Alwar (Raj.) At Present Working As Teacher Gr-Iii, Level Ii (English) At Government Girls Senior Secondary School, Baswa, Distt- Dausa (Rajasthan).

-----Petitioner

Versus

1. State Of Rajasthan, Through Principal Secretary, Education Department, Government Of Rajasthan, Government Secretariat, Jaipur - 302005
2. Director/commissioner, Secondary Education Department, Government Of Rajasthan, Bikaner-334001.
3. District Education Officer (Elementary) And Additional Executive Officer (Education), Zila Parishd, Alwar-301001.
4. District Education Officer (Elementary) And Additional Executive Officer (Education), Zila Parishd, Dausa, P.o. Dausa (Rajasthan)
5. District Education Officer (Secondary), Dausa, P.o. Dausa (Rajasthan).

-----Respondents

S.B. Civil Writ Petition No. 7168/2020

Priyanka Sharma D/o Shri Sitaram Sharma, Aged About 23 Years, Resident Of Village Patalwas Post Bhawani, Tehsil Jamwaramgarh, District Jaipur (Rajasthan).

-----Petitioner

Versus

1. The State Of Rajasthan, Through Principal Secretary, Department Of Secondary Education, Government Of Rajasthan, Government Secretariat, Jaipur.
2. The Director Secondary Education, Bikaner (Rajasthan).
3. The State Of Rajasthan Through Principal Secretary, Department Of Administrative Reforms, Secretariate, Jaipur.
4. The Rajasthan Subordinate And Ministerial Service Selection Board, Rajasthan State Agriculture Managing Institution Campus, Durgapura, Jaipur Through Chairman.

-----Respondents

S.B. Civil Writ Petition No. 7169/2020

Pratibha Meena D/o Shri Ram Kishan Meena, Aged About 24 Years, Resident Of Plot No. 137 Vijay Nagar-A, Near Khatipura Phatak, Jagatpura, Jaipur.

----Petitioner

Versus

1. The State Of Rajasthan, Through Principal Secretary, Department Of Secondary Education, Government Of Rajasthan, Government Secretariat, Jaipur.
2. The Director Secondary Education, Bikaner (Rajasthan)
3. The State Of Rajasthan, Through Principal Secretary Department Of Administrative Reforms, Secretariat, Jaipur.
4. The Rajasthan Subordinate And Ministerial Services Selection Board, Rajasthan State Agriculture Managing Institution Campus, Durgapura Jaipur.

----Respondents

S.B. Civil Writ Petition No. 7841/2020

1. Jaikishan Paliwal S/o Shri Ashok Kumar Paliwal, Aged About 33 Years, R/o 120, Balai Mohalla, Sawai Getor, Malviya Nagar, Jaipur (Raj.).
2. Ravi Kumar Meena S/o Shri Laxmi Narayan Meena, Aged About 25 Years, R/o Village Bhawpura, Ndoa Ki Dhani, Post - Bainada Via Bassi, Distt. Jaipur (Raj.) .
3. Mohit Susawat S/o Shri Ram Chandra Meena, Aged About 24 Years, R/o Village And Post Natata, Dhani Darwana Ki, Via Amer, Distt. Jaipur (Raj.).
4. Vimal Kumar Meena S/o Shri Prabhu Dayal Meena, Aged About 25 Years, R/o Village And Post Roopwas, Tehsil Jamwaramgarh, Distt. Jaipur (Raj.).
5. Lalit Kumar Meena S/o Shri Modho Lal Meena, Aged About 27 Years, R/o Village And Post Roopwas, Tehsil Jamwaramgarh, Distt. Jaipur (Raj.).
6. Kailash Chand Meena S/o Shri Devi Lal Meena, Aged About 28 Years, R/o Village And Post Roopwas, Dhani Khoda Ki, Tehsil Jamwaramgarh, Distt. Jaipur (Raj.).
7. Dev Kumar Meena S/o Shri Nand Lal Meena, Aged About 29 Years, R/o B- 35, J.p. Colony, Tonk Phatak, Jaipur

(Raj.).

8. Naman Badgoti S/o Shri Bhagwan Sahay Meena, Aged About 25 Years, R/o Plot No. 1, Parvati Colony, Opp. Chetak Bhatta, Looniyawas, Distt. Jaipur (Raj.).
9. Mahendra Kumar Meena S/o Shri Nanag Ram Meena, Aged About 29 Years, R/o Village And Post Newar, Tehsil Jamwaramgarh, Distt. Jaipur (Raj.).

-----petitioner(s)

Versus

1. The State Of Rajasthan, Through Its Secretary, Administrative Reforms Department, Govt. Secretariat, Jaipur (Rajasthan).
2. The Secretary, Rajasthan Staff Selection Board, Rajasthan Agriculture Management Institute Premises, Durgapura, Jaipur.
3. The Commissioner, Transport Department, 409, Sahakar Marg, Jyothi Nagar, Lalkothi, Jaipur, Rajasthan (Raj.).
4. Vishal Parihar S/o Shri Bhanwar Lal Parihar, R/o Meghwalo Ka Mohalla, Shri Ram Nagar, Bikaner, Rajasthan- 334001.
5. Priysheel Darbar S/o Yashwant Singh, R/o 749/29, Dr. Ahuja Ke Bangle Ke Pass, Anandpuri, Dholawata, Ajmer, Rajasthan- 305001.

-----Respondents

S.B. Civil Writ Petition No. 1619/2023

Sushma Singh D/o Badan Singh, Aged About 27 Years, R/o Roop Colony, Mohan Nagar, Hindaun, Karauli (Raj.).

-----Petitioner

Versus

1. The State Of Rajasthan, Through Its Principal Secretary, Panchayati Raj Department, Govt. Of Rajasthan, Secretariat, Jaipur (Raj.).
2. The Director, Department Of Elementary Education, Govt. Of Rajasthan, Bikaner (Raj.).
3. The Chief Executive Officer, Zila Parishad, Karauli (Raj.).
4. The Chief Executive Officer, Zila Parishad, Barmer (Raj.).

-----Respondents

For Petitioner(s) : Mr. D.K. Bhardwaj



For Respondent(s) : Mr. Abhishek Sharma, Mr. Vishal Kumar, Mr. Dhruv Kumar, Mr. S.M. Sharma for Mr. Manoj Sharma, AAG Mr. Prateek Saxena, AAAG for Mr. Kapil Prakash Mathur, AAG Mr. Devansh Sharma, Dy. GC Mr. Gopal Krishna Sharma, AGC

HON'BLE MR. JUSTICE ASHOK KUMAR JAIN
Order

09/02/2026

1. All these matters raises almost identical questions for consideration before this Court; therefore, they are tagged and decided together.

2. Learned counsel for the petitioner(s), while placing reliance upon the order dated 04.08.2021 passed in **S.B. Civil Writ Petition No. 6507/2017 titled as Kindar v. State of Rajasthan & Others**, has submitted that a Coordinate Bench after considering the judgment in the case of **State of Rajasthan & Others v. Poonam Sharma & Ors., D.B. Special Appeal No. 815/2019**, has directed the respondent(s) for modification of posting of the petitioner(s). He further submitted that on the basis of the ratio laid down in the case of **Kindar v. State of Rajasthan & Others (supra)**, this Hon'ble Court has allowed Writ Petition No. 1264/2026, **Nafees Hussain Hashmi v. State of Rajasthan & Others**.

3. Learned counsel for the petitioner(s), while placing reliance upon the judgment in the case of **State of Rajasthan & Others v. Poonam Sharma & Another (supra)** passed by the Division Bench of this Court, has submitted that, being aggrieved from denial of allocation of suitable divisions or district, having regard to merit and position of the petitioner(s), writ petitions were filed

which were finally decided by the Single Judge Bench and the State has preferred D.B. Special Appeal Writ, but after considering the provisions, this Hon'ble Court has issued directions and the respondents are duty bound to comply with the directions issued by the Division Bench in the case of **Poonam Sharma (supra)**. They further submitted that after applying the formula in a fair and transparent manner, the allocation of division or district are required to be modified.

4. Learned counsel for the petitioner(s), while placing reliance upon order dated 10.12.2015 passed in **S.B. Civil Writ Petition No. 10829/2015, Manju Aggarwal Vs. State of Rajasthan and Others**, has submitted that in posting and allocating district, reservation policy is not applicable. They further submitted that if any reservation policy is applied by the respondents in allocation of division/district, then the same is contrary to Articles 14 and 16 of the Constitution of India. They also submitted that reservation is applicable upon appointment and not on transfer/posting/or allocation.

5. Learned counsel on behalf of petitioner(s)-Priyanka Sharma and Pratibha Meena has submitted that both the petitioner(s) are single women and they are entitled for consideration on this ground, but the respondent(s) have not considered the ground of single women. He further submitted that the respondents, without following the policy, have made allocation of division/district, and same is contrary to the ratio laid down by this Court as well as the circulars issued by the State.

6. Learned counsel appearing on behalf of petitioner-Sushama Yadav has placed reliance upon the judgment in the case of

Lieutenant Colonel Suprita Chandel v. Union of India and Others, reported as 2024 INSC 942, and has submitted that it is a well-settled proposition of law that where a citizen, aggrieved by an action of the Government department, has approached the Court and obtained a declaration of law, then all similarly situated persons ought to be extended the benefit without the need of them going to the Court. He further submitted that the State action must be reasonable, fair, and transparent.

7. Learned counsel appearing on behalf of petitioner-Sushma Singh has further submitted that the petitioner is a disabled candidate and, as a disabled candidate, she is entitled to reasonable accommodation, and the State is under an obligation to consider the grievances of the petitioner and redress them by following the doctrine of reasonable accommodation.

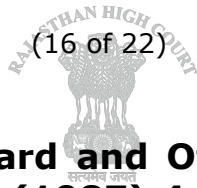
8. Learned counsel appearing on behalf of the respondent(s) candidly admitted that the judgment in the case of **State of Rajasthan and Others v. Poonam Sharma (supra)** has attained finality and the State has given effect to the judgment in the cases of **Poonam Sharma (supra)** and **Kindar (supra)**. They further admitted the fact of the judgment in the case of **Manju Agarwal v. State of Rajasthan and Others (supra)** and submitted that the State has a policy and on the basis of the policy the allocations were made, and if any individual is aggrieved, he/she is free to challenge the allocation. At last, they submitted that the petitioner(s) be directed to submit a representation to the respondent(s) and same shall be examined and considered by them; however, they candidly admitted the judgments as referred by learned counsel for the petitioner(s).

9. Heard learned counsel for the parties and perused the material placed on record, and also considered the judgments as referred by learned counsel for the petitioner(s).

10. These writ petitions were filed primarily on the ground that after the selection, the allocation of division and district were made ignoring their merit and preferences. The petitioner(s) have claimed that if a candidate is meritorious, then preference would be given to him/her for posting in his/her home district. The contention of the petitioner(s) is also that the respondent(s) have applied reservation while allocating division/district and gave posting to the candidates, though the respondents have denied the allegations, and we are also not going into the individual allegations, as the issues raised by the petitioner(s) were already considered by this Court on earlier occasion and ultimately same have been decided finally. Thus, it is appropriate to dispose of these writ petitions at this stage by following the ratio laid down till date.

11. In the case of Priyanka Sharma and Pratibha Meena, it is contended that both are single women whereas in the case of Sushma Singh, it is submitted that she is a person from a disabled category. In the case of **Lieutenant Colonel Suprita Chandel v. Union of India (supra)**, Hon'ble Supreme Court has observed as under:-

"14. It is a well settled principle of law that where a citizen aggrieved by an action of the government department has approached the court and obtained a declaration of law in his/her favour, others similarly situated ought to be extended the benefit without the need for them to go to court. [See **Amrit Lal Berry vs. Collector of Central Excise, New Delhi and Others, (1975) 4 SCC 714**]



15. In **K.I. Shephard and Others vs. Union of India and Others, (1987) 4 SCC 431**, this Court while reinforcing the above principle held as under:-

"19. The writ petitions and the appeals must succeed. We set aside the impugned judgments of the Single Judge and Division Bench of the Kerala High Court and direct that each of the three transferee banks should take over the excluded employees on the same terms and conditions of employment under the respective banking companies prior to amalgamation. The employees would be entitled to the benefit of continuity of service for all purposes including salary and perks throughout the period. We leave it open to the transferee banks to take such action as they consider proper against these employees in accordance with law. Some of the excluded employees have not come to court. There is no justification to penalise them for not having litigated. They too shall be entitled to the same benefits as the petitioners."

(Emphasis Supplied)

16. No doubt, in exceptional cases where the court has expressly prohibited the extension of the benefit to those who have not approached the court till then or in cases where a grievance in personam is redressed, the matter may acquire a different dimension, and the department may be justified in denying the relief to an individual who claims the extension of the benefit of the said judgment."

12. In case of **Manju Agarwal v. State of Rajasthan and Others (supra)**, a Coordinate Bench of this Court, while deciding a bunch of petitions, has observed that the benefit of reservation, while giving posting is not permissible. The reservation is provided at the time of appointment, not for posting. Thus, the adoption of reservation for allocation of division/district and posting thereof is impermissible, and if any such practice is adopted by the respondent(s), then same is contrary to the settled proposition of law.

12. Petitioner-Priyanka, who secured 7944 merit position in selection for the post of LDC pursuant to advertisement dated

16.04.2018, has claimed that she is a general single woman candidate, and she has also placed reliance upon circular dated 18.05.2020 issued by the Administrative Reforms Department. Another petitioner, Pratibha Meena, who secured 26873 merit position in selection for the post of LDC pursuant to advertisement dated 16.04.2018, has also claimed that she is an ST/SC single woman candidate. She has also placed reliance upon circular dated 18.05.2020 issued by the Administrative Reforms Department.

13. Petitioner Sushma Singh was selected and appointed by order dated 30.05.2022 on the post of Teacher Grade III (Level-I), but she has claimed the category of person with disability. She has referred and relied upon Section 3(5) of the Rights of Persons with Disabilities Act, 2016 (hereinafter referred as "the RPwD Act, 2016"), with a prayer for reasonable accommodation.

14. In the case of **Vikas Singh v. UPSC, (2021) 5 SCC 370**, Hon'ble Supreme Court has referred the doctrine of reasonable accommodation, in reference to the RPwD Act, 2016, as a key component of equality and non-discrimination which highlights reasonable accommodation as an obligation to provide positive duties and obligations on the State to provide additional support to persons with disabilities to facilitate their full participation.

15. Very recently, in **Re: Recruitment of Visually Impaired Persons in Judicial Services, reported as 2025 INSC 300**, Hon'ble Supreme Court has struck down exclusionary rules in Madhya Pradesh and Rajasthan, declaring visually impaired candidates eligible for judicial posts under the RPwD Act, 2016, as they cannot be deemed per se non-suitable. It was held that blanket

exclusion breaches the provisions of Sections 3, 20, and 34 of the RPwD Act of 2016.

15. Some of the counsel appearing for the petitioners have also placed reliance upon circular dated 04.09.2017 issued by the Education Department, Group-II, Government of Rajasthan, regarding policy for allocation of districts and posting thereof, but most of the counsel have referred circular dated 18.05.2020, issued by Administrative Reforms Department and for ready reference, we are reproducing the circular dated 18.05.2020 as under:-

**"राजस्थान सरकार
प्रशासनिक सुधार (अनु.-3) विभाग**

क्रमांक : प.1(1)प्र.सु./अनु.-3/2020 पार्ट
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जयपुर,

—::परिपत्र::—

विषय:- राजस्थान लोक सेवा आयोग, राजस्थान कर्मचारी चयन बोर्ड या अन्य भर्ती एजेंसी (Recruiting Agency) से चयनित अभ्यर्थियों को प्रथम नियुक्ति हेतु।

राज्य सेवाओं से अतिरिक्त समस्त अधीनस्थ सेवाओं के सीधी भर्ती से चयनित कार्मिकों की प्रथम नियुक्ति हेतु जिला/जिले में स्थान का आवंटन जैसी भी स्थिति हो का कार्य नियुक्ति अधिकारी द्वारा In-Person counseling के माध्यम से निम्नानुसार शर्तों के अधीन सम्पन्न किया जायेगा:-

1. नियुक्ति अधिकारी द्वारा काउंसलिंग की कार्यवाही में आवंटित अभ्यर्थियों में से सर्वप्रथम प्राथमिकता से दिव्यांगजन, विधवा, परित्यक्ता, एकल महिला, भूतपूर्व सैनिक, उत्कृष्ट खिलाड़ी व पति-पत्नि प्रकरण के अभ्यर्थियों को वरियताक्रम से, उपलब्ध रिक्तियों के आधार पर काउंसलिंग में बुलाया जायेगा।
2. शेष अभ्यर्थियों को वरियता क्रम से काउंसलिंग में बुलाया जाकर रिक्त के आधार पर प्रथम नियुक्ति का जिला/जिले में स्थान, जैसी भी स्थिति हो, का निर्धारण किया जायेगा।
3. नियुक्ति अधिकारी को आवंटित किये गये चयनित अभ्यर्थियों में से यदि कोई पति-पत्नि हो तो रिक्त पद होने की स्थिति में उनको एक ही जिला/जिले में स्थान जैसी भी स्थिति हो में पदस्थापन किया जायेगा। इसी प्रकार पति-पत्नि में से कोई एक पूर्व से ही राज्य सेवा में जिस जिला/जिले में स्थान में पदस्थापित हो उन्हें रिक्त पद उपलब्ध होने की स्थिति में प्राथमिकता के आधार पर उसी जिला/जिले में स्थान में पदस्थापन हेतु आवंटित किया जायेगा।

4. यदि कोई अभ्यर्थी शहीद परिवार का आश्रित हो/अभ्यर्थी के माता-पिता अथवा पति/पत्नि असाध्य रोग से ग्रस्त हो/ अन्य किसी अपरिहार्य मानवीय परिस्थितिवश अभ्यर्थी को किसी जिला/जिले में स्थान में रहना अनिवार्य हो, तो रिक्त पद उपलब्ध होने पर नियुक्ति अधिकारी ऐसे अभ्यर्थियों को तथ्यों की पुष्टि कर जिला/जिले में स्थान जैसी भी स्थिति हो आवंटन करने में प्राथमिकता दे सकेगा।
5. नियुक्ति अधिकारी द्वारा अपने स्तर पर विभागीय विशेष परिस्थितियों के मध्यनजर काउंसलिंग हेतु उपरोक्त के अतिरिक्त अन्य शर्तें भी नियत की जा सकेंगी, परन्तु उपरोक्त शर्तों में परिवर्तन नहीं किया जा सकेगा।
6. काउंसलिंग हेतु उपरोक्त एवं विभाग द्वारा लागू की गयी अन्य आवश्यक शर्तों तथा रिक्तियों का काउंसलिंग से पूर्व अभ्यर्थियों की जानकारी हेतु नियुक्ति अधिकारी द्वारा पर्याप्त प्रचार-प्रसार किया जायेगा।
7. नियुक्ति अधिकारी द्वारा काउंसलिंग के दौरान यह ध्यान रखा जायेगा कि समस्त वर्ग के अभ्यर्थियों को उचित प्रतिनिधित्व प्रथम नियुक्ति के समय जिला/जिले में स्थान में मिले अर्थात् किसी वर्ग विशेष के अभ्यर्थी किसी एक जिला/जिले में स्थान में असंगत रूप से आवंटित नहीं हों। ,
8. नियुक्ति अधिकारी का यह दायित्व होगा कि काउंसलिंग से संबंधित समस्त दस्तावेजों को सुरक्षित रखा जावे, साथ ही अभ्यर्थियों को जिला/जिले में स्थान का निर्धारण होने पर उनसे सहमति-पत्र प्राप्त किया जावे।
9. उपरोक्तानुसार किये गये जिला आवंटन से व्यथित अभ्यर्थियों की परिवेदनाओं एवं न्यायिक प्रकरणों का निस्तारण एवं क्षेत्ररक्षण संबंधित समस्त कार्यवही नियुक्ति अधिकारी अपने स्तर पर ही करेंगे।

उपरोक्त परिपत्र तुरन्त प्रभाव से लागू होगा।

(डी.बी.गुप्ता)
मुख्य सचिव "

16. In the case of **State of Rajasthan v. Poonam Sharma (supra)**, a Division Bench of this Court has observed as under, while concluding the order:-

14. In the light of the ruling in Ramesh Ram (supra), it is no longer open to the State to contend that allocation of cadre or division, according to the preference sought from candidates, at the initial stage of the recruitment process, is a pure administrative matter. What is in issue is the fairness of the process of allocation. 15. The peculiar condition that the State finds itself in today, is because it proceeded to make final allocations of the divisions having regard to the available materials, i.e. recommendations received at different times, from RPSC and the vacancy position that was available at the time of receipt of such recommendations. There is some merit in the State's submission that

posting orders of the selected candidates could not have been withheld to await receipt of recommendations to all the posts. Public interest of course, dictated that the teachers recruited be assigned duties as early as practically feasible. Yet, that did not mean that final allocations had to be made at the stage of assigning duties. No doubt, the cadre of Senior Teachers is maintained divisionwise. Yet, the recruitment was by a common process; the rules applicable were the same and the procedure adopted too was the same. This meant that if there were some delays in forwarding recommendations, the allocations of concerned divisions had to be made finally. Until the entire picture emerged with regard to recommendation of candidates, the State could have well made provisional cadre allocations, which could have been finalized, after all recommendations had been received. In such latter event, the State would have been able to ensure that MRC candidates had a choice to seek the division which they wanted, given their relative merit ranking. In such an event, by application of the rule indicated in Para 72 (iv) of the judgment in Ramesh Ram (supra), MRC candidates would have been provided with a choice of being treated as those belonging to the general category, or being treated as reserved category candidates.

While affirming the findings and conclusions recorded by the Single Judge, also issued the following directions:-

(a) The State shall issue a circular/order within four weeks, expressly stating that cadre allocations (to different divisions) made are only provisional and that such allocations would be made finally in a time bound manner, to be clearly indicated in such an order or circular;

(b) Await the receipt of all recommendations for 3 months and thereafter take up the process of determination of cadre allocations, in accordance with the rules and circulars applicable and complete such cadre allocations within 6 months from today;

(c) The State is further directed that cadre allocations made finally pursuant to the above directions, shall not be treated as transfers, but instead as revised initial postings of the concerned teachers.

(d) The circular issued pursuant to the above directions shall also mention that it has been issued pursuant to the present order.

17. In the case of **Kindar v. State of Rajasthan (supra)**, a Co-ordinate Bench of this Court considered an objection that the recruitment related to the year 2013 and that after about eight years, if the writ petition is allowed at this stage, the action to be taken by the respondent(s) pursuant thereto may certainly affect

the position of postings in the entire district of persons who have been selected and already posted pursuant to the selection process of 2013. This contention was negated by a Coordinate Bench.

18. We have referred the ratio as laid down in the case of **Lieutenant Colonel Suprita Chandel v. Union of India (supra)**, wherein the Hon'ble Supreme Court, after considering the judgments in the cases of **Amrit Lal Berry Vs. Collector of Central Excise, New Delhi and Ors. (1975) 4 SCC 714** and **K.I. Shepherd and Ors. Vs. Union of India and Ors. (1987) 4 SCC 431**, has laid down that all similarly situated persons ought to be extended the benefit without the need for them to go to the Court. Thus, wherever there is an exclusion or breach of policy or any discrimination, the person may approach a writ Court to enforce his/her fundamental rights guaranteed by the Constitution of India.

19. Accordingly, these writ petitions are allowed in terms of the judgments in the case of **State of Rajasthan v. Poonam Sharma (supra)** and followed in case of **Kindar v. State of Rajasthan (supra)** and **Nafees Hussain v. State of Rajasthan (supra)**, and also in light of **Manju Agarwal v. State of Rajasthan (supra)**.

20. The respondent(s) are directed to re-examine the cases of the petitioner(s) in light of the ratio laid down in the aforementioned cases and the circular dated 18.05.2020 issued by the Administrative Reforms Department, and pass appropriate order(s) for modification of allocation of place of posting of the petitioner(s), if situation so warrants. However, it is also made

clear that the respondent(s) shall not apply reservation in allocation or posting to any of the candidates in any of the recruitment examinations, as the same is contrary to the reservation policy, since reservation is applicable only at the stage of appointment and not in posting, transfer, or allocation of district/division, after selection.

21. If the policy provides for accommodation or allocation for candidate belong to the category of single woman, then such cases shall be considered by the respondent(s). The respondents shall also consider and apply the doctrine of reasonable accommodation in cases relating to persons with disabilities, as provided under the RPwD Act, 2016.

22. Needless to say that all exercise be completed within a period of 90 days from date of receipt of copy of the order.

23. With aforesaid, the writ petition(s) along with pending application(s), if any stands disposed of.

(ASHOK KUMAR JAIN),J