

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

S.B. Civil Writ Petition No. 742/2015

Raziya Sultana

----Petitioner

Versus

Raj Mandarsa Board Jaipur Anr

----Respondent

Connected With

S.B. Civil Writ Petition No. 1390/2015

Shamim Bano

----Petitioner

Versus

Raj Madarsa Board And Anr

----Respondent

For Petitioner(s)	:	Mr. Vimal Kumar Jain Mr. Ishwar Jain
For Respondent(s)	:	Mr. SS Raghav, AAG Mr. Chiranji Lal Saini, AAG

HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA

Judgment / Order

25/11/2019

Learned Additional Advocate General has moved an application on behalf of the State for recalling of the order passed by this court on 26.09.2019, whereby, this court directed the State Government to take up proceedings under the criminal law and lodge formal report before the ACB on behalf of fraud having taken place in the matter of appointment of Shiksha Sahyogies and other employees in various Madarsas to the Department of Public Revenue.

Learned counsel for the petitioner submits that with regard to the issue of appointment of Shiksha Sahyogies in the various Madarsas was conducted and it was learnt that as many as

128 persons had wrongly been appointed and their appointment was irregular when an enquiry was conducted in the year 2012 but no action was taken. However, an FIR has been lodged under Sections 420, 467 & 468 against the erstwhile Secretary of Rajasthan Board-USman Giri by the Rajasthan Madarsas Secretary and by ACB and the order be recalled. Therefore, there is no occasion to direct the investigation.

This Court notices that the FIR has been registered on 29.10.2019 by the Secretary which is in clear violation of the Court's order directing the State Government to lodge formal report before the ACB on account of fraud having taken place in the appointment of Shiksha Sahyogies. It is apparent that the Secretary has with the purpose to send certain Officers which may include her itself, has lodged an FIR against the ex-Secretary. It is also noticed that after the year 2012 enquiry which clearly mentions of 128 Shiksha Sahyogies have not re-invite appointment and no action has been taken. It is a clear case of over reaching of the court. The case of the year 2019 has been recalled and the same has not been recalled. The application was moved on 15.11.2019 and before that an FIR was lodged under Sections 420, 467 and 468 only against the ex-Secretary which case is contrary to the directions issued by this court. The direction was to the State Government to lodge formal report before the ACB.

In view of above, the Chief Secretary is directed to take immediate action against the concerned Secretary who has lodged FIR and the other Officers of the Madarsas Board and seize the entire record and also direct the ACB to conduct a detailed enquiry. The report of the enquiry shall be submitted before this

court within a period of three months and the report shall be submitted before this court.

List this case after three months.

(SANJEEV PRAKASH SHARMA),J

Sunita Kanwar /46

RAJASTHAN HIGH COURT



सत्यमेव जयते