

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 16015/2022

Dilkhush Patidar S/o Vasudev Patidar, Aged About 21 Years, R/o Vpo Dencha, Ptehsil Sagwara, District Dungarpur, Presently Resident Of Near Hanuman Temple, Sodala, Jaipur, Rajasthan.

-----Petitioner

Versus

- 1 The State Of Rajasthan, Through Its Secretary, Education Department, Govt. Of Rajasthan, Government Secretariat, Jaipur.
- 2 The Director, Elementary Education And Panchayati Raj, Rajasthan, Bikaner.
- 3 The District Education Officer, Primary Education, Dungarpur, Rajasthan.
- 4 The Chief Executive Officer, Zila Parishad, District Dungarpur, Rajasthan.

-----Respondents

For Petitioner(s)	:	Mr. Sudhir Gupta
For Respondent(s)	:	Mr. Gopal Krishna Sharma, AGC with Mr. Saumil Sharma

HON'BLE MR. JUSTICE ASHOK KUMAR JAIN

Order

25/02/2026

1. Instant Writ Petition has been preferred with following prayer:-

(i) By an appropriate writ, order or direction, the respondents may kindly be directed to accord appointment to the petitioner on the post of Teacher Grade III Level 1 with all consequential benefits as the petitioner has secured more marks than the cut off marks of his category. By an appropriate writ, order or direction in the nature thereof thereby, the impugned rejection List dated 19.09.2022 (Annex.6) may kindly be quashed and set aside.

iii) Pass any other appropriate order which this Hon'ble Court may deem fit, just and proper in the

facts and circumstances of the case in favour of the Petitioner.

iv) Cost of the writ petition be also awarded in favour of the Petitioner.

2. During course of argument, learned counsel for petitioner submits that identical issue was considered by Hon'ble Supreme Court in case of **Kuldeep Kumar Pathak Vs. State of UP and Ors. AIR 2016 SCC 251** and further considered by a Co-ordinate Bench of this Court in case of **Nirma Kumar Meena Vs. State of Rajasthan in SB CWP No.14228/2017**, therefore the writ petition be disposed of in light of these judgments. He further placed reliance upon **order dated 31.05.2022 in case of Bhuban Mohan Behera Vs. State of Odisha and Anr.** passed by High Court of Orissa at Cuttack and **order dated 04.07.2022 in case of Himanshi Yadav Vs. State of UP** passed by a Co-ordinate Bench of Allahabad High Court.
3. He also referred minutes of meeting dated 29.10.2012 along with forwarding letter dated 28.12.2012 issued by UGC, New Delhi and submitted that an expert committee constituted by UGC has also permitted simultaneous conducting a courses, one of diploma and another of degree, thus the writ petition be decided on the basis of material submitted by the petitioner.
4. Learned counsel for respondents submits that the petitioner may submit a representation and they will consider the case of petitioner in light of these judgments as claimed by him.
5. Considered the grievance raised herein, the petitioner is given a liberty to submit a representation to the respondents-Authority within a period of 30 days raising all

grounds and the respondents-Authority are directed to decide the representation in light of ratio laid down in case of **Kuldeep Kumar Pathak Vs. State of UP and Ors. (supra), Nirma Kumar Meena Vs. State of Rajasthan (supra), Bhuban Mohan Behera Vs. State of Odisha and Anr. (supra) and Himanshi Yadav Vs. State of UP (supra)**, but in case of deviation with a reasoned and speaking order within a period of 60 days from date of receipt of representation. After the decision, the respondents are under an obligation to communicate the order to the petitioner either by way of speed post or through E-mail, if petitioner has provided E-mail in his representation.

6. Needless to say that if ratio is applicable upon facts of the case as claimed by the petitioner, then same benefits be extended, to the petitioner.
7. With the aforesaid directions, the present writ petition with pending application, if any, stands disposed of.

(ASHOK KUMAR JAIN),J