

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

D.B. Civil Special Appeal (Writ) No. 734/2024

The State Of Rajasthan & Anr. ----Appellants

Versus

Mohan Lal Sharma & Ors. ----Respondents

Connected With

D.B. Civil Special Appeal (Writ) No. 745/2024

The State Of Rajasthan & Anr. ----Appellants

Versus

Priyanka Yadav & Ors. ----Respondents

D.B. Civil Special Appeal (Writ) No. 746/2024

The State Of Rajasthan & Anr. ----Appellants

Versus

Suman Khambra & Ors. ----Respondents

D.B. Civil Special Appeal (Writ) No. 747/2024

The State Of Rajasthan & Anr. ----Appellants

Versus

Puran Mal Swami & Ors. ----Respondents

For Appellant(s)	:	Mr. Rajendra Prasad, AG, with Mr. Sheetanshu Sharma, Adv., Ms. Harshita Thakral Adv., Ms. Dhriti Laddha Adv. & Mr. Tanay Goyal Adv.
For Respondent(s)	:	Mr. Anand Sharma, Adv.

HON'BLE THE CHIEF JUSTICE MR. MANINDRA MOHAN SHRIVASTAVA
HON'BLE MR. JUSTICE UMA SHANKER VYAS
Order

13/12/2024

Heard.

Mr. Anand Sharma, learned counsel enters appearance and takes notice on behalf of private respondents in D.B. Civil Special Appeal (Writ) Nos.734/2024, 745/2024 & 746/2024.

At the outset, learned counsel for respondents submits that the private respondents in the aforesaid appeals are not willing to oppose the relief sought in the writ appeals in the matter of challenge to the order passed by the learned Single Judge.

Issue notice to the respondents in D.B. Special Appeal (Writ) No.747/2024 on payment of PF within two weeks, returnable within four weeks.

List after six weeks.

Learned Advocate General would submit that the effect and operation of the impugned order may be stayed in the meanwhile as non posting of selected candidates in the English Medium School will adversely affect the State policy and the whole session may be wasted. He would further submit that the order of the learned Single Judge declaring clause 9 of the Advertisement, as arbitrary and illegal, requires interference as clause 9 was essentially based on provision regarding preferential treatment to be provided under Rules 7 & 8 of the Rajasthan Civil Services (Special Selection and Special Conditions of Service for Appointment of Personnel in the English Medium Schools) Rules, 2023, which were not under challenge in the writ petition.

Second submission is that the principles of recruitment have been wrongly applied, whereas, present is not a case of recruitment but only a device to ensure posting of willing teachers, who are proficient in english against the equivalent post in a school, which has been identified as the English Medium

School, therefore, it is not a case of recruitment but posting alone. The teachers who are being selected for being posted in the English Medium School continue to hold their lien and their seniority to be maintained in their parent cadre and district.

Considering the aforesaid submissions, we are inclined to stay the effect and operation of the impugned order till the next date of hearing.

(UMA SHANKER VYAS),J

(MANINDRA MOHAN SHRIVASTAVA),CJ

Sanjay Kumawat & Danish/14-17