


HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 18753/2024

Dr. Pratima Jaiswal W/o Sanjay Jaiswal

----Petitioner

Versus

State of Rajasthan & Ors.

----Respondents

For Petitioner(s) : Mr. Ashwinee Kumar Jaiman

For Respondent(s) : Mr. Tanveer Ahamad

HON'BLE MR. JUSTICE SUDESH BANSAL

Order

12/12/2024

1. On behalf of respondent No.3, counsel has put in appearance. Let notice be issued to respondents No.1 and 2.
2. Learned counsel for the petitioner prays for grant of interim relief to stay the implementation of order dated 29.11.2024 passed by the Tribunal.
3. Heard learned counsel for the petitioner and respondent No.3 on application for interim relief.
4. Petitioner was appointed as Head of Department (HOD) in Department of Anatomy, Government Medical College, Kota vide order dated 30.10.2024, against which the respondent No.3 filed appeal before the Tribunal and the Tribunal vide order dated 29.11.2024 has decided the appeal finally and thereby while quashing the appointment of petitioner as HOD, has directed the respondents to appoint the respondent No.3 as HOD on rotational basis. The turn of HOD in the Department is for two years.
5. It appears that in the Department of Anatomy at Government Medical College, Kota, one Senior Professor

(petitioner herein) and two Professors namely, Dr. Arushi Jain and Dr. Sumit Gupta (respondent No.3 herein) are posted.

6. Indisputably, petitioner had remained as HOD of Anatomy Department from July, 2014 to November, 2022 continuously and thereafter, from 01.11.2022 to 31.10.2024, Dr. Arushi Jain (Professor) was appointed as HOD.

7. For the next turn of two years i.e. 01.11.2024 to 31.10.2026, again petitioner came to be appointed as HOD, vide order dated 30.10.2024, in the light of Circular of the State Government dated 21.02.2023, whereagainst respondent No.3 preferred appeal before the Tribunal.

8. The Tribunal vide order dated 29.11.2024, impugned herein, interpreted Circular dated 21.02.2023 and observed that this Circular neither bars the appointment of HOD in rotational manner as per seniority nor precludes the appointment of Professor as HOD, despite of availability of Senior Professor in the Department. Thus, the Tribunal, after taking into consideration the appointment of HOD on rotational basis and considering the language of Circular dated 21.02.2023, comparing to the previous circulars dated 22.06.2016, 28.12.2016 and 17.03.2017 allowed the appeal and quashed the appointment of petitioner as HOD under order dated 30.10.2024 and issued direction to appoint the respondent No.3 as HOD.

9. On *prima facie* evaluation of the findings recorded by the Tribunal, this Court does not find that it is a fit case for grant of interim relief in favour of petitioner and the order passed by the Tribunal, on its face value, is equitable and may not be held to be contradictory/ violative to the Circular dated 21.02.2023.

10. Accordingly, no *prima facie* case for grant of interim relief is made out in favour of petitioner, hence, the stay application is hereby dismissed.

11. Let the writ petition be listed on 13.02.2025.

(SUDESH BANSAL),J

TN/RONAK JAIMAN/8