



**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B.Civil Writ Petition No. 744 / 2017

Smt. Meera Sharma W/o Shri Ram Prasad Sharma, Aged About 49
Years, R/o Rebadiyon Ka Guda, Panchayat Samiti Badgaon, District
Udaipur, Rajasthan

-----Petitioner

Versus

1. The State of Rajasthan Through the Secretary, Department of
Education, Government of Rajasthan, Jaipur, Rajasthan

2. The Director, Elementary Education, Bikaner, Rajasthan

3. The District Education Officer, Udaipur, Rajasthan

-----Respondents

S.B.Civil Writ Petition No. 737 / 2017

Nirmal Kumar Sharma C/o Ashok Verma,, Aged About 40 Years,
R/o Plot No. 2, Aadinath Nagar, I Block, Sector 14, District-
udaipur, Rajasthan.

-----Petitioner

Versus

1. State of Rajasthan Through the Secretary,, Department of
Elementary Education, Government of Rajasthan, Jaipur,
Rajasthan

2. Director, Elementary Education Department,, Bikaner, Rajasthan

3. District Education Officer, Elementary Education Department,,
Udaipur, Rajasthan

4. Block Education Officer, Elementary Education,, Panchayat
Samiti, Jharole, Udaipur, Rajasthan.

-----Respondents

S.B.Civil Writ Petition No. 738 / 2017

1. Hem Prakash Joshi S/o Shri Kachru Lal Joshi, Aged About 32
Years, R/o Bhungabhat, District Pratapgarh, Rajasthan



2. Nandkishor Sharma S/o Mulchand, Aged About 57 Years, R/o Khana Talab, Block Bhinder, Panchayat Samiti Bhinder, District Udaipur, Rajasthan

-----Petitioners

Versus

1. State of Rajasthan Through the Secretary, Department of Elementary Education, Government of Rajasthan, Jaipur, Rajasthan

2. Director Elementary Education Department, Bikaner, Rajasthan

3. District Education Officer, Elementary Education Department, Udaipur, Rajasthan

4. Block Education Officer, Elementary Education, Panchayat Samiti Dhariawad, Pratapgarh, Rajasthan

5. Block Education Officer, Elementary Education,, Panchayat Samiti Bhinder, Udaipur, Rajasthan

-----Respondents

S.B.Civil Writ Petition No. 756 / 2017

Smt. Usha Shakdwipi W/o Shri Pramod Shakdwipi,, Aged About 45 Years, R/o 119, Ashirwad, Dharbada, Gali, Uttari Ayad, Udaipur, Rajasthan.

-----Petitioner

Versus

1. The State of Rajasthan Through the Secretary, Department of Education, Govt. of Rajasthan, Jaipur, Rajasthan

2. The Director, Elementary Education, Bikaner, Rajasthan.

3. The District Education Officer, Udaipur, Rajasthan

-----Respondents

S.B.Civil Writ Petition No. 758 / 2017

Smt. Rekha Sinha W/o Shri Sharan Kumar Sinha, Aged About 47 Years, R/o 5/124, HIG, Housing Board, Sector-14, Udaipur, Rajasthan.

-----Petitioner



Versus

1. The State of Rajasthan Through the Secretary, Department of Education, Govt. of Rajasthan, Jaipur, Rajasthan
2. The Director,, Elementary Education, Bikaner, Rajasthan.
3. The District Education Officer, Udaipur, Rajasthan

----Respondents

S.B.Civil Writ Petition No. 759 / 2017

Anil Vyas S/o Devi Lal Vyas, Aged About 42 Years, R/o Village Post Bhanada, Tehsil Kherwara, District Udaipur.

----Petitioner

Versus

1. State of Rajasthan Through the Secretary, Gramin Vikas and Panchayat Raj Department, Govt. of Rajasthan, Jaipur.
2. Director,, Elementary Education, Rajasthan, Bikaner.
3. District Education Officer,, Elementary Education, Udaipur

----Respondents

S.B.Civil Writ Petition No. 760 / 2017

Smt. Rekha Joshi W/o Shri Omkareshwar Joshi, Aged About 47 Years, R/o Village Tilora, Tehsil Mavali, District Udaipur, Rajasthan.

----Petitioner

Versus

1. The State of Rajasthan Through the Secretary, Department of Education, Govt. of Rajasthan, Jaipur, Rajasthan.
2. The Director,, Elementary Education, Bikaner, Rajasthan.
3. The District Education Officer, Udaipur, Rajasthan

----Respondents

S.B.Civil Writ Petition No. 761 / 2017

Pushpa Sharma W/o Lokesh Chandra Sharma, Aged About 54 Years, R/o 258, Ganesh Nagar, Hanuman Ji Ka Chowk, Payda, District Udaipur.



-----Petitioner

Versus

1. State of Rajasthan Through the Secretary, Gramin Vikas and Panchayat Raj Department, Govt. of Rajasthan, Jaipur.

2. Director,, Elementary Education, Rajasthan, Bikaner.

3. District Education Officer, Elementary Education, Udaipur

-----Respondents

S.B.Civil Writ Petition No. 762 / 2017

Smt. Nirmala Nagda W/o Shri Navratan Nagda, Aged About 43 Years, R/o Village & Post Gadwa, Teshil Mavali, District Udaipur, Rajasthan.

-----Petitioner

Versus

1. The State of Rajasthan Through the Secretary, Department of Education, Govt. of Rajasthan, Jaipur, Rajasthan

2. The Director,, Elementary Education, Bikaner, District Bikaner, Rajasthan.

3. The District Education Officer, Udaipur, Rajasthan

-----Respondents

S.B.Civil Writ Petition No. 766 / 2017

Rekha Joshi (shukla) W/o Chetan Shukla,, Aged About 42 Years, R/o 4/81, Shivaji Nagar, Housing Board Colony, Dungarpur

-----Petitioner

Versus

1. State of Rajasthan Through the Secretary,, Gramin Vikas and Panchayat Raj Department, Govt. of Rajasthan, Jaipur.

2. Director, Elementary Education,, Rajasthan Bikaner

3. District Education Officer, Elementary Education,, Udaipur

-----Respondents



S.B.Civil Writ Petition No. 767 / 2017

Hitesh Kumar Upadhyaya Son of Shri Amrit Lal Upadhyaya, Aged About 42 Years, Resident of Mahaveer Colony, Kherwara, District Udaipur

----Petitioner

Versus

1. State of Rajasthan Through the Secretary, Gramin Vikas and Panchayat Raj Department, Govt. of Rajasthan, Jaipur

2. Director, Elementary Education, Rajasthan, Bikaner

3. District Education Officer, Elementary Education, Udaipur

----Respondents

S.B.Civil Writ Petition No. 770 / 2017

Lokesh Joshi Son of Ramesh Chandra Joshi, Aged About 42 Years, Resident of 33, Samta Nagar, Sector - 3, Hiran Magri, Udaipur

----Petitioner

Versus

1. State of Rajasthan Through the Secretary, Gramin Vikas and Panchayat Raj Department, Govt. of Rajasthan, Jaipur

2. Director, Elementary Education, Rajasthan Bikaner

3. District Education Officer, Elementary Education, Udaipur

----Respondents

S.B.Civil Writ Petition No. 771 / 2017

Meena Sharma Daughter of Amba Lal Sharma, Aged About 42 Years, Resident of Behind Rishabhdev Temple, Rishabhdev, District Udaipur

----Petitioner

Versus

1. State of Rajasthan Through the Secretary, Gramin Vikas and Panchayat Raj Department, Govt. of Rajasthan, Jaipur

2. Director, Elementary Education, Rajasthan, Bikaner



3. District Education Officer, Elementary Education, Udaipur

----Respondents

S.B.Civil Writ Petition No. 772 / 2017

Baboo Lal Patel S/o Nana Ji Patel,, Aged About 43 Years, R/o Village-khuntwara, Post-bhanada, Tehsil-kherwara, District-udaipur.

----Petitioner

Versus

1. State of Rajasthan Through the Secretary,, Gramin Vikas and Panchayat Raj Department, Govt. of Rajasthan, Jaipur.

2. Director, Elementary Education,, Rajasthan, Bikaner

3. District Education Officer,, Elementary Education, Udaipur

----Respondents

S.B.Civil Writ Petition No. 773 / 2017

Sachin Kumar Jain S/o Satru Kumar Jain,, Aged About 32 Years, R/o Mahaveer Nagar, Rishabhdev, District-udaipur.

----Petitioner

Versus

1. State of Rajasthan Through the Secretary,, Gramin Vikas and Panchayat Raj Department, Govt. of Rajasthan, Jaipur.

2. Director, Elementary Education,, Rajasthan Bikaner

3. District Education Officer,, Elementary Education, Udaipur

----Respondents

S.B.Civil Writ Petition No. 776 / 2017

Vipin Kumar Upadhyaya S/o Suresh Narayan Upadhyaya,, Aged About 37 Years, Resident of Village Post Karchha, Tehsil Kherwara, District Udaipur

----Petitioner

Versus



1. State of Rajasthan Through the Secretary,, Gramin Vikas and Panchayat Raj Department, Govt. of Rajasthan, Jaipur
2. Director,, Elementary Education, Rajasthan, Bikaner
3. District Education Officer,, Elementary Education, Udaipur

----Respondents

S.B.Civil Writ Petition No. 791 / 2017

Parul Maheshwari Wife of Rajesh Partani, Aged About 35 Years,
Resident of 122-A, Subhash Nagar, Road No.5, Opposite B.N.
College, Udaipur

----Petitioner

Versus

1. State of Rajasthan Through the Secretary, Gramin Vikas and Panchayat Raj Department, Govt. of Rajasthan, Jaipur
2. Director, Elementary Education, Rajasthan, Bikaner
3. District Education Officer, Elementary Education, Udaipur

----Respondents

S.B.Civil Writ Petition No. 792 / 2017

Anna Ram Hingad S/o Poona Ram,, Aged About 43 Years, R/o Ram
Dhun Chowk, Baarli Sadri, Tehsil-desuri, District-pali.

----Petitioner

Versus

1. State of Rajasthan Through the Secretary,, Gramin Vikas and Panchayat Raj Department, Govt. of Rajasthan, Jaipur.
2. Director, Elementary Education,, Rajasthan, Bikaner
3. District Education Officer,, Elementary Education, Udaipur.

----Respondents

S.B.Civil Writ Petition No. 793 / 2017

Shyam Lal Meghwal S/o Verdi Chand Meghwal,, Aged About 46
Years, Resident of C/o Heera Lal Jain Karawali, Tehsil-salumber,
District-udaipur



----Petitioner

Versus

1. State of Rajasthan Through the Secretary,, Gramin Vikas and Panchayat Raj Department, Govt. of Rajasthan, Jaipur.
2. Director, Elementary Education,, Rajasthan Bikaner.
3. District Education Officer,, Elementary Education, Udaipur.

----Respondents

S.B.Civil Writ Petition No. 796 / 2017

Smt. Neelima Jain W/o Shri Naresh Jain, Aged About 40 Years, R/o 76, Mandi Ki Nal, Near Batliwal, Bohra Ki Dukan, Udaipur

----Petitioner

Versus

1. The State of Rajasthan Through the Secretary, Department of Rural Development and Panchayati Raj, Secretariat, Jaipur
2. The Director, Elementary Education, Rajasthan, Bikaner
3. The District Education Officer, Elementary Education, Udaipur
4. The Block Elementary Education Officer, Panchayat Samiti, Jhadol, Tehsil Jhadol, District Udaipur
5. The Chief Executive Officer, Zila Parishad, Udaipur

----Respondents

S.B.Civil Writ Petition No. 797 / 2017

Laxmi Lal Sharma S/o Shankar Lal Sharma,, Aged About 47 Years, R/o Village-khojari, Post-devgoan, Tehsil-saulmber, District-udaipur.

----Petitioner

Versus

1. The State of Rajasthan Through the Secretary,, Department of Rural Development and Panchayati Raj, Secretariat, Jaipur
2. The Director, Elementary Education,, Rajasthan, Bikaner.
3. The District Education Officer,, Elementary Education, Udaipur



4. The Block Elementary Education Officer, Panchayat Samiti,
Saulmber, Tehsil-saulmber, District-udaipur.

----Respondents

S.B.Civil Writ Petition No. 798 / 2017

Govind Singh Aahada S/o Prithvi Singh Aahada,, Aged About 47
Years, R/o Bori, Post Ghated Via Jhallara, Salumber, District
Udaipur

----Petitioner

Versus

1. The State of Rajasthan Through the Secretary,, Department of
Rural Development and Panchayati Raj, Secretariat, Jaipur

2. The Director,, Elementary Education, Rajasthan, Bikaner

3. The District Education Officer,, Elementary Education, Udaipur

4. The Block Elementary Education Officer,, Panchayat Samiti,
Saulmber, Tehsil Saulmber, District Udaipur

----Respondents

S.B.Civil Writ Petition No. 799 / 2017

Smt. Suryakanta Dave W/o Shri Vinod Vallabh Dave D/o Shri
Ramkant Dixit, Aged About 45 Years, Chhoti Brahmpuri, Udaipur
(Raj.)

----Petitioner

Versus

1. The State of Rajasthan Through the Secretary, Department of
Rural Development and Panchayati Raj, Secretariat, Jaipur

2. The Director, Elementary Education, Rajasthan, Bikaner

3. The District Education Officer, Elementary Education, Udaipur

4. The Block Elementary Education Officer, Panchayat Samiti,
Salumber, Tehsil Salumber, District Udaipur

5. The Chief Executive Officer, Zila Parishad, Udaipur

----Respondents



S.B.Civil Writ Petition No. 800 / 2017

Mohan Mehta S/o Keshav Mehta, Aged About 48 Years, R/o Village Post Seria, Tehsil Salumber, District Udaipur

----Petitioner

Versus

1. The State of Rajasthan Through the Secretary, Department of Rural Development and Panchayati Raj, Secretariat, Jaipur
2. The Director, Elementary Education, Rajasthan, Bikaner
3. The District Education Officer, Elementary Education, Udaipur
4. The Block Elementary Education Officer, Panchayat Samiti, Salumber, Tehsil Salumber, District Udaipur

----Respondents

S.B.Civil Writ Petition No. 801 / 2017

Rajendra Singh Jhala S/o Indra Singh Jhala,, Aged About 48 Years, R/o Village-salumber, Tehsil-salumber, District-udaipur.

----Petitioner

Versus

1. The State of Rajasthan Through the Secretary,, Department of Rural Development and Panchayati Raj, Secretariat, Jaipur.
2. The Director, Elementary Education, Rajasthan, Bikaner
3. The District Education Officer,, Elementary Education, Udaipur
4. The Block Elementary Education Officer, Panchayat Samiti, Salumber, Tehsil-salumber, District-udaipur.

----Respondents

S.B.Civil Writ Petition No. 803 / 2017

Govind Singh Chundawat S/o Unkar Singh, Aged About 55 Years, R/o Village-jud, Post-kurabar, Tehsil-girwa, District-udaipur, Rajasthan.

----Petitioner

Versus



1. The State of Rajasthan Through the Secretary,, Department of Education, Government of Rajasthan, Jaipur, Rajasthan

2. The Director, Elementary Education,, Bikaner, Rajasthan

3. The District Education Officer,, Udaipur, Rajasthan

----Respondents

S.B.Civil Writ Petition No. 804 / 2017

Smt. Mukta Aameta W/o Prabhakar Upadhyay,, Aged About 53 Years, R/o V/p Bhinder, Tehsil Vallabh Nagar, Mohalla Padampura, District Udaipur

----Petitioner

Versus

1. The State of Rajasthan Through the Secretary,, Department of Education, Government of Rajasthan, Jaipur, Rajasthan

2. The Director,, Elementary Education, Bikaner, Rajasthan

3. The District Education Officer,, Udaipur, Rajasthan

----Respondents

S.B.Civil Writ Petition No. 805 / 2017

Rama Pandya W/o Sant Kumar,, Aged About 53 Years, R/o 56, Gulshan Nagar, Sisarama Road, Before Rampura Choraha, Udaipur, Rajasthan

----Petitioner

Versus

1. The State of Rajasthan Through the Secretary,, Department of Education, Government of Rajasthan, Jaipur, Rajasthan

2. The Director,, Elementary Education, Bikaner, Rajasthan

3. The District Education Officer,, Udaipur, Rajasthan

----Respondents

S.B.Civil Writ Petition No. 806 / 2017

Vijendra Prasad Trivedi S/o Govind Ram, Aged About 49 Years, R/o Village-pagara, Post-dhelana, Tehsil-rishabhdev, District-udaipur, Rajasthan.



----Petitioner

Versus

1. The State of Rajasthan Through the Secretary,, Department of Education, Government of Rajasthan, Jaipur, Rajasthan
2. The Director, Elementary Education, Bikaner, Rajasthan
3. The District Education Officer,, Udaipur, Rajasthan

----Respondents

S.B.Civil Writ Petition No. 807 / 2017

Om Prakash Dhadhich S/o Madan Lal, Aged About 48 Years, R/o V/P Chandedi, Via Phatehnagar, Tehsil-mawli, District-udaipur, Rajasthan.

----Petitioner

Versus

1. The State of Rajasthan Through the Secretary,, Department of Education, Government of Rajasthan, Jaipur, Rajasthan
2. The Director, Elementary Education, Bikaner, Rajasthan
3. The District Education Officer,, Udaipur, Rajasthan

----Respondents

S.B.Civil Writ Petition No. 808 / 2017

Dashrath Singh Chouhan S/o Bhanwar Singh Chouhan,, Aged About 48 Years, R/o Inside Giriwar Pole, Post Bhinder, District Udaipur, Rajasthan

----Petitioner

Versus

1. The State of Rajasthan Through the Secretary,, Department of Education, Government of Rajasthan, Jaipur, Rajasthan
2. The Director,, Elementary Education, Bikaner, Rajasthan
3. The District Education Officer,, Udaipur, Rajasthan

----Respondents

S.B.Civil Writ Petition No. 809 / 2017



Devendra Prasad Aameta S/o Madan Lal, Aged About 48 Years,
R/o 113-bramhpuri, Village-titardi, Tehsil-girwa, District-udaipur,
Rajasthan.

----Petitioner

Versus

1. The State of Rajasthan Through the Secretary,, Department of Education, Government of Rajasthan, Jaipur, Rajasthan
2. The Director, Elementary Education, Bikaner, Rajasthan
3. The District Education Officer,, Udaipur, Rajasthan

----Respondents

S.B.Civil Writ Petition No. 810 / 2017

Paras Aameta W/o Niranjana Upadhyay,, Aged About 52 Years, R/o
Near Hanuman Ji Ka Mandir, Station Road, Bhinder, Udaipur,
Rajasthan

----Petitioner

Versus

1. The State of Rajasthan Through the Secretary,, Department of Education, Government of Rajasthan, Jaipur, Rajasthan
2. The Director,, Elementary Education, Bikaner, Rajasthan
3. The District Education Officer,, Udaipur, Rajasthan

----Respondents

S.B.Civil Writ Petition No. 814 / 2017

Padama Sharma W/o Aarogya Shekhar,, Aged About 43 Years, R/o
75, Bhattiyani Chohatta, Hotel Shakti Palace, Udaipur, Rajasthan

----Petitioner

Versus

1. The State of Rajasthan Through the Secretary,, Department of Education, Government of Rajasthan, Jaipur, Rajasthan
2. The Director, Elementary Education, Bikaner, Rajasthan
3. The District Education Officer,, Udaipur, Rajasthan



----Respondents

S.B.Civil Writ Petition No. 816 / 2017

Alka Dadich W/o Manoj Dadich, Aged About 40 Years, R/o 33,
Satyanarain Marg, Chhoti Brahmpuri, Udaipur.

----Petitioner

Versus

1. The State of Rajasthan Through the Secretary, Department of
Rural Development and Panchayati Raj, Secretariat, Jaipur.

2. The Director,, Elementary Education, Rajasthan, Bikaner.

3. The District Education Officer,, Elementary Education, Udaipur

4. The Chief Executive Officer,, Zila Parishad, Udaipur

----Respondents

S.B.Civil Writ Petition No. 817 / 2017

Asha Mehta W/o Valji Mehta D/o Sharad Chandra,, Aged About 50
Years, R/o Village-sagatada, Gram Panchayat Sagatada, Panchayat
Samiti, Sarada, District-udaipur.

----Petitioner

Versus

1. The State of Rajasthan Through the Secretary,, Department of
Rural Development and Panchayati Raj, Secretariat, Jaipur

2. The Director, Elementary Education, Rajasthan, Bikaner

3. The District Education Officer,, Elementary Education, Udaipur

4. The Chief Executive Officer,, Zila Parishad, Udaipur

----Respondents

S.B.Civil Writ Petition No. 819 / 2017

Sneha Trivedi W/o Ganesh Lal Mehta D/o Ramkrishan Trivedi,
Aged About 35 Years, R/o Village Kara Kala, Tehsil Salumber
District Udaipur.

----Petitioner

Versus



1. The State of Rajasthan Through the Secretary, Department of Rural Development and Panchayati Raj, Secretariat, Jaipur.
2. The Director,, Elementary Education, Rajasthan, Bikaner
3. The District Education Officer,, Elementary Education, Udaipur
4. The Block Elementary Education Officer,, Panchayat Samiti, Salumber, Tehsil Salumber, District Udaipur.
5. The Chief Executive Officer,, Zila Parishad, Udaipur.

-----Respondents

S.B.Civil Writ Petition No. 833 / 2017

Nathu Lal Meghwal S/o Punja Ji Meghwal,, Aged About 52 Years,
R/o Mukam Post Chiboda, Tehsil-salumber, District-udaipur

-----Petitioner

Versus

1. The State of Rajasthan Through the Secretary,, Department of Rural Development and Panchayati Raj, Secretariat, Jaipur.
2. The Director, Elementary Education, Rajasthan, Bikaner
3. The District Education Officer, Elementary Education,, Udaipur
4. The Chief Executive Officer,, Zila Parishad, Udaipur

-----Respondents

S.B.Civil Writ Petition No. 850 / 2017

Smt. Seeta Dangi W/o Shri Roshan Dangi, Aged About 41 Years,
R/o Village-Post Sapetia, District Udaipur (Raj.)

-----Petitioner

Versus

1. State of Rajasthan Through Secretary, Elementary Education, Rajasthan, Jaipur
2. The Director, Elementary Education, Rajasthan, Bikaner
3. The District Education Officer, Elementary Education, Udaipur
4. The Chief Executive Officer, Zila Parishad, Udaipur



5. The Block Elementary Education Officer, Panchayat Samiti
Badgaon, District Udaipur

----Respondents

S.B.Civil Writ Petition No. 883 / 2017

Keshav Lal Meena Son of Bhera Ji Meena, Aged About 46 Years,
Resident of Village Gopa Ki Bhagal, Post Loonada, Tehsil
Vallabhnagar, District Udaipur

----Petitioner

Versus

1. State of Rajasthan Through the Secretary, Gramin Vikas and
Panchayat Raj Department, Govt. of Rajasthan, Jaipur

2. Director, Elementary Education, Rajasthan, Bikaner

3. District Education Officer, Elementary Education, Udaipur

----Respondents

S.B.Civil Writ Petition No. 884 / 2017

Kashi Ram Tiwari Son of Niranjan Lal, Aged About 51 Years,
Resident of 73, Gadh Magri, Sobhagpura, Behind Water Tank,
Udaipur

----Petitioner

Versus

1. State of Rajasthan Through the Secretary, Gramin Vikas and
Panchayat Raj Department, Govt. of Rajasthan, Jaipur

2. Director, Elementary Education, Rajasthan, Bikaner

3. District Education Officer, Elementary Education, Udaipur

----Respondents

For Petitioner(s) : Mr. Kuldeep Mathur, Mr. Arjun Purohit, Mr.
Sajjan Singh Rathore, Mr. Rajat Dave, Mr.
Rakesh Sinha, Mr. Mahaveer Bishnoi.

For Respondent(s) : Mrs. R.R. Kanwar



HON'BLE MS. JUSTICE NIRMALJIT KAUR

Judgment

23/02/2017

All the above-mentioned writ petitions shall stand decided by this common order as the issue involved is identical. For convenience, the facts are being taken from Civil Writ Petition No.744/2017.

The writ petition has been filed against the order dated 14.12.2017 vide which the services of the petitioner were terminated. The facts giving rise to the grievance in short are that in pursuance to the advertisement dated 31.05.2008, applications were invited from the eligible candidates for appointment on 20,060 vacant posts of Prabodhak in all the districts of State of Rajasthan. The respondent-authorities after scrutiny of the application forms called eligible candidates for interview in the year 2008. After completion of the interview process, a merit list was prepared and competent authority granted appointment to various incumbents having place in the merit list. Thereafter, an order of appointment was also issued to the petitioner and was duly given her place of posting. The petitioner joined on the post of Prabodhak and submitted a joining report way back in the year 2008 itself. Thus, the petitioner was appointed on the post of Prabodhak on her successfully undergoing the selection process as enumerated in the Rajasthan Panchayati Raj Prabodhak Service Rules, 2008. One of the conditions while granting appointment



was that the petitioner shall have to undergo 02 years probation period and on successful completion of the probation period, she shall be regularised and confirmed on the post of Prabodhak. The petitioner underwent the probation period and after successfully completing the probation period, she was confirmed vide order dated 7.1.2011. The petitioner was thereafter shocked to receive order dated 11.1.2017 terminating her services without any prior notice.

Reply has been filed. As per the reply, one Prakash Kalal filed SBCWP No.4357/2013 contending that the respondents have given appointment to the persons on the post of Prabodhak who are having lesser marks than him and his claim has been ignored for no valid reason. The said writ petition was disposed of vide order dated 13.1.2014 directing the petitioner to file representation. Shri Prakash Kalal submitted representation in pursuance to the order dated 13.1.2014. Same was decided vide order dated 24.08.2015 wherein it was held that although Shri Prakash Kalal had obtained 42% marks in the merit but cannot be given appointment as actually, there is no vacant post in the category in which Shri Prakash Kalal applied. Shri Prakash Kalal filed S.B. Civil Contempt Petition No.744/2014 which was disposed of vide order dated 20.07.2016 as under:-

"The Secretary Education Department, the Director Elementary Education and the District Education Officer Elementary Education, Udaipur are present in the Court as directed by this Court on 13.7.2016. Shri K.L. Thakur, AAG appears on their behalf and has placed on record an explanation supported by certain documents in response to the order dated 13.7.2016.



It is not disputed by the respondents that the petitioner, who is an OBC candidate, secure 42 marks in the questioned recruitment process for the post of Prabodhak and was not given appointment whereas, numerous candidates from General as well as OBC categories were appointed against OBC category reserved seats even though having less marks as compared by the petitioner. Shri Thakur prays for some time so that the entire merit list can be reconsidered after holding an inquiry into the matter so as to arrive at a final conclusion regarding the persons entitled to be appointed inclusion regarding. He further assure that in case after the inquiry/exercise as above, the petitioner's name figures in merit, he shall be offered appointment as per law. He requests that the matter may be posted after three months as the exercise as requested above would be very exhaustive and time consuming. Time prayed for is allowed.

A comprehensive report regarding the fate of exercise taken in the above terms shall be kept available for Court's perusal on next date. The personal appearance of the respondents contemnors is exempted for the next date."

In pursuance to the same, the State Government constituted an Enquiry Committee at the level of Directorate, Elementary Education so as to conduct inquiry in the matter of illegal appointments on the post of Prabodhak in district Udaipur. After enquiry, the Enquiry Committee submitted its report with the finding that as many as 1125 candidates from district Udaipur were appointed on the post of Prabodhak. The candidature of each and every candidate was examined in the light of eligibility at the time of their appointment on the basis of documents. So far as the petitioner is concerned, she has less marks than cut off and accordingly, the initial appointment of the petitioner itself was illegal and void ab initio. Separate reasons have been given qua separate candidates who too were served the termination order



and are before this Court in connected writ petitions. The services of some of the candidates have been terminated on the ground that they belong to General category and the cut off marks in the General category are more than the marks received by them. The services of others have been terminated on the ground that they are overage or on the ground that their experience could not be counted as there were break in service, etc. etc.

Learned counsel for the parties were heard and the report has been gone into.

It is admitted that the petitioner was never given the enquiry report. They were, till the filing of the report, not made aware as to why their services have been terminated. They came to know for the first time about the termination of their services vide the impugned order dated 11.1.2017. The argument of the learned counsel of the respondents that they were given time to raise their objection by 25.1.2017 cannot be sustained as the said time to raise their objection was given in the same order dated 11.1.2017 vide which their services were terminated. The very order in itself is defective, inasmuch, as the order of termination and opportunity to raise objections is vide the same order. Obviously, the said opportunity is mere eyewash and that too without giving any enquiry report.

This Court is also made aware of the fact that petitioner has completed almost 09 years of service. She was confirmed on the said post after clearing the probation period. There is not a word of allegation in the enquiry report or in the reply that any one of



the petitioners in any of the above writ petitions was in any way responsible in getting himself or herself appointed by misleading or concealing any fact. Even as per the enquiry report, a direction was issued to proceed for disciplinary action against the erring officers and employees who may have been instrumental in preparing the merit list at the initial stage and nothing has been stated against any petitioner and even qua the erring officer, the finding in the disciplinary enquiry has yet to be recorded. In fact the enquiry has not even commenced and before any such enquiry could even be concluded, the order of termination has been passed qua the petitioners against whom there is no allegation of misleading or concealment.

It is a well settled proposition of law that principles of natural justice requires that before making a decision, a prior notice of the proposed decision to persons affected by it and opportunity to raise objection should be given. Admittedly, no such opportunity was given to the petitioners to represent their cause or explain their position. The judgment rendered by the Apex Court in the case of **Mahipal Singh Tomar Vs. State of Uttar Pradesh and Ors. :: C.A. No.4584 of 2013 (SLP (C) No.16388 of 2011)** decided on 9.5.2013 is fully applicable to the case in hand. In that case, enquiry was initiated wherein on receipt of complaints alleging large scale irregularities in the placement of selected candidates in different colleges. The District Magistrate after holding enquiry in pursuance to the direction of the State Government found that in some cases, the candidates were given



placement against non-existent posts in violation of the judgment of the Supreme Court. In view of the finding of the report submitted by the District Magistrate, the State Government issued directions for cancellation of placement of the appellants and ors. on the post of Principals. The Apex Court after relying on the various judicial pronouncements allowed the appeals by holding as

under:-

"We shall now advert to the impugned orders. As analysis thereof shows that the High Court had mainly relied upon the fact finding report prepared by the District Magistrate, referred to the provisions of the 1980 Act and held that the appellants' placement in the particular colleges was contrary to law and they were responsible for such placement. The High Court noted that some of the appellants had been placed in the colleges which were not even advertised by the Commission and others were placed against the vacancies notified in earlier years. In the opinion of the High Court, the placement of the appellants was per se illegal and void. However, the record produced before this Court does not show the appellants' direct involvement in their placement in the particular colleges. That apart, the questions whether the appellants' placement in the particular colleges was contrary to the statute and whether their placement was subsequently changed for extraneous considerations could not have been decided without supplying each one of them copy of the inquiry report and without giving him/her an effective opportunity to controvert the findings recorded by the District Magistrate, who had prepared the report by looking at one side of the coin. He did not give opportunity to any of the appellants to represent his/her cause or explain his/her position. Not only this, he did not confront any of the appellants with the adverse material produced before him. Therefore, the report of the District Magistrate could not have been relied upon by the State Government for directing cancellation of the placement of the appellants in the particular Colleges and the Director committed grave illegality by mandating the termination of their services."

Similarly, the Apex Court in the case of **Inderpreet Singh**



Kahlon V. State of Punjab reported in **(2006) 11 SCC 356**

considered the question whether the selection and / or appointment to the Punjab Civil Service (Judicial Branch) could be cancelled on the allegations of favoritism and corruption without giving opportunity of hearing to the selected candidates. The appellants in that case had been selected for appointment to the Punjab Civil Service (Judicial Branch). On receipt of the complaints that there were large scale irregularities in the process of selection, the High Court recommended to the State Government that the entire selection may be cancelled. The State Government accepted the recommendations of the High Court and cancelled the selection. The affected candidates, some of whom had already been appointed against the vacant posts, challenged the decision of the High Court and the State Government. A three Judge Bench of the High Court dismissed the writ petitions. The Apex Court reversed the order of the High Court and held that the selection could not have been cancelled without giving notice and opportunity of hearing to the affected candidates.

Some of the observations in the said case are relevant for the purpose of the decision in the present case which are as under:-

“Undoubtedly, in the selection process, there have been manipulations and irregularities at the behest of R.S. Sidhu, the then Chairman, Punjab Public Service Commission. On a careful scrutiny of the facts and circumstances of the case, in my considered opinion, the High Court ought to have made a serious endeavour to segregate the tainted from the non-tainted candidates. Though the task was certainly difficult, but by no stretch of imagination, was it an impossible



task. The peculiar facts of this case which need to be highlighted are that some of the candidates have worked for about three years and their services were terminated only on the basis of criminal investigation which was at the initial stage. The termination of their services as a consequence of cancellation of selection would not only prejudice their interests seriously, but would ruin their entire future career.

The facts of this case reveal that the material supplied to the Committee having regard to the fact that majority of the officers named in the FIR belonged to 2001 batch, the respondents not only cancelled the entire selection of 2001 batch, but on the basis of the cancellation of selections of 2001 batch the entire process of 1999 and 2002 selections was also cancelled. It is also relevant to mention that the selection process for the year 1998 was not the subject-matter nor any recommendation had been made by the Committee, even then the selections of this year were also vitiated. The High Court Committee without there being sufficient and adequate material on record recommended cancellation of selections of both the executive and judicial officers and the Full Bench erred in accepting the recommendation and terminating the services of all the officers.

A close scrutiny of the facts of this case clearly reveals that the judicial officers did not get a fair treatment by the High Court. They were not given copies of the report and other material on which reliance was placed and they virtually had no chance of making effective representation before the Committee or any other forum where they could ventilate their grievances and present their point of view.

Applying the test in the present case and taking into account the admitted facts that no enquiry report was given to the petitioners and no prior notice of the proposed decision to be taken by them was given to the petitioners, this Court is of the opinion that the impugned order has been passed in sheer violation of principles of natural justice and therefore, same



cannot be sustained. The object behind a notice of opportunity is that a person must be given fair hearing which should extend to the right to have notice of the other side's case, the right to bring evidence and the right to argue. The petitioner should have been given an opportunity to show that their marks were calculated as per rules, they were fully eligible and could be adjusted by following a proper procedure inherent in the exercise of the administrative power.

In view of the above, the writ petitions are allowed. The impugned order dated 11.1.2017 is set aside with liberty to the respondents to pass fresh orders, if so required, after giving due opportunity to each of the petitioners in accordance with law and after complying with the well settled principles of natural justice.

(NIRMALJIT KAUR), J.

praveen

