HIGH COURT OF JUDICATURE FOR RAJASTHAN BENCH AT JAIPUR

S.B. Civil Contempt Petition No. 95/2023

In

S.B. Civil Writ Petition No.10293/2021

- 1. Rajesh Kumar Jain S/o Bajrang Lal Jain, Aged About 55 Years, R/o Adarsh Nagar A, Sawaimadhopur, Rajasthan.
- Bhanu Prakash Gupta S/o Ramladdu Gupta, Aged About 59 Years, R/o 4-F-1, Saket Nagar, Anaj Mandi Road, Link Road, Near Old Ranthambore Sevika, Sawaimadhopur, Rajasthan.
- 3. Gopal Lal S/o Kanhiya Lal Chejara, Aged About 54 Years, R/o Vpo Dantaramgarh, Ward No. 10, Near The Govt. Hospital, District Sikar, Rajasthan.
- 4. Sanjay Bhargava S/o Kedar Lal Bhargav, Aged About 56 Years, R/o 520, Maharashtriyan Samaj Road, Old Poltary Farm, Dadwara, Kota Junction, Kota, Rajasthan.
- Madan Lal Sharma S/o Murlidhar Sharma, Aged About 59
 Years, R/o Village Ballupura, Post Rajthal, Via Kaladera,
 Tehsil Amer, District Jaipur, Rajasthan.
- 6. Suresh Chand Sharma S/o Sharvan Kumar Sharma, Aged About 56 Years, R/o A-106, Subhash Nagar Shopping Centre, Jaipur, Rajasthan.
- 7. Smt. Karuna Jain D/o Bhanwar Lal Jain, Aged About 55 Years, R/o 56A, Model Town, Near Khedli Phatak, Kota Junction, Kota, Rajasthan.
- 8. Mohammed Rais S/o Mohammed Sharif, Aged About 55 Years, R/o H. No. A-H. 91-92, Deen Dayal Upadhayay Nagar, Ananatpura Road, Kota, Rajasthan.
- 9. Rafik Amed Pathan S/o Yakub Khan, Aged About 55 Years, R/o Rojgar Karyalay Ke Pass, Dostpura, Civil Line, Kota, Rajasthan.
- 10. Vinod Kumar Pathak S/o Ram Swaroop Sharma, Aged About 58 Years, R/o 2-J-24, Mahavir Nagar Extension, Dadabari, Kota, Rajasthan

----Petitioners

Versus

1. Hemant Kumar Gera, Principal Secretary Department Of

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[CCP-95/2023]

- Personnel And Training Government Secretariat, Jaipur.
- 2. Munni Meena, Deputy Secretary, Department Of Administrative Reforms (Group-3), Secretariat, Jaipur.
- 3. Pawan Kumar Goyal, Principal Education Secretary, Government Of Rajasthan, Secretariat, Jaipur
- 4. Gaurav Aggrawal, Director, Secondary Education, Rajasthan, Bikaner.
- 5. Pradeep Choudhary, District Education Officer, Secondary Education, Kota.
- 6. Nathu Lal Khatik, District Education Officer, Secondary Education, Sawaimadhopur.
- 7. Rajendra Kumar Sharma, District Education Officer, Secondary Education, Jaipur.
- 8. Ramchandra Pilaniya, District Education Officer, Secondary Education, Sikar.
- 9. The State Of Rajasthan, Through Principal Secretary Department Of Personnel And Training Government Secretariat, Jaipur.

----Respondents

For Petitioner(s) : Mr. Mohammed Rais, petitioner No.8,

present in person

For Respondent(s) : Mr. S.S. Raghav, AAG

Dr. Ganesh Parihar, AAG with

Mr. Sameer Sharma

HON'BLE MR. JUSTICE MAHENDAR KUMAR GOYAL Order

21/03/2023

Mr. S.S. Raghav & Dr. Ganesh Parihar, learned Additional Advocate Generals appear for all the respondents.

Service is complete.

Learned counsels for the respondents have submitted copies of the orders passed on different dates for perusal of this Court. The same are taken on record.

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Inviting attention of this Court towards the orders, learned counsels for the respondents would submit that in compliance of direction of this Court dated 17.09.2021 deciding the writ petition in view of direction issued by this Court in case of Manoj Khandelwal & Ors. Vs. State of Rajasthan & Ors.:S.B. Civil Writ Petition No.7283/2014 decided on 16.07.2014, while deciding the representation filed by the petitioners, services of the petitioners have been regularized with effect from 02.02.1990 with notional benefit from that date. He, therefore, prays for dismissal of the contempt petition.

Per contra, the petitioner No.8 submits that they are not being extended benefit of Advance Career Progression (for brevity, "ACP") counting their service from the date of regularization, i.e., 02.02.1990.

Heard. Considered.

As per the direction contained in case of Manoj Khandelwal (supra), the respondents were supposed to decide the representation filed by the petitioners vide a speaking order and extend them notional benefit of seniority over the candidate who stood lower in merit than them. A perusal of the orders submitted by the learned counsels for the respondents for perusal of this Court reveals that all the petitioners have been given notional benefits of seniority with effect from 02.02.1990 for which there is no dispute even by the petitioner no.8 that it is in accordance with the direction issued by this Court.

However, the apprehension expressed by the petitioner No.8 with regard to non grant of ACP counting their length of service from 02.02.1990, is wholly misconceived in view of respondents



having extended them benefit of seniority from the date persons lower in merit were extended appointment.

Since, there has been substantial compliance of the order dated 17.09.2021, contempt whereof is alleged, the contempt petition is dismissed.

Notices are discharged.

(MAHENDAR KUMAR GOYAL),J

Sudha/40