

Rajasthan High Court - Jodhpur

Meenakshi Pareek vs State Of Rajasthan (2025:Rj-Jd:39342) on 4 September, 2025

Author: Nupur Bhati

Bench: Nupur Bhati

[2025:RJ-JD:39342] HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR S.B. Civil Writ Petition
No. 17076/2025 1. Meenakshi Pareek W/o Shri Manohar Pareek, Aged
About 60 Years, R/o Ganesh Mandir Ke Pass, Kayasth Mohalla,
Nagaur, Rajasthan. 2. Rajendra Raigar S/o Shri Birda Ram
Raigar, Aged About 58 Years, R/o Ward No. 8, Kuli, Tehsil Danta
Ramgarh, District Sikar, Rajasthan. 3. Narayan Lal Regar
S/o Shri Kajju Lal Regar, Aged About 56 Years, R/o Regaron Ka
Mohalla, Ward No. 08, Ramgarh, District Sikar, Rajasthan.
4. Gordhan Kumawat S/o Shri Uda Ram Kumawat, Aged About
49 Years, R/o Ward No. 3, Kuli, Tehsil Danta Ramgarh, District
Sikar, Rajasthan.

---Petitioners Versus 1.
State Of Rajasthan, Through
Secretary, Education Department, Government Secretariat,
Rajasthan, Jaipur. 2. The Director, Secondary Education, Bikaner
(Rajasthan). 3. The Director, Elementary Education, Bikaner
(Rajasthan). 4. The District Education Officer, Headquarter,
Secondary Education, Sikar. 5. The District Education
Officer, Headquarter, Secondary Education, Nagaur.

--Respondents For Petitioner(s) : Mr. Hansraj Nimbar
HON'BLE DR. JUSTICE NUPUR BHATI

Order 04/09/2025

1. Learned counsels for the petitioners, at the outset, submit that the controversy raised in the instant writ petition, is no more res-integra in view of the adjudication by a Coordinate Bench of [2025:RJ-JD:39342] (2 of 3) [CW-17076/2025] this Court at Jaipur Bench in the case of Yogesh Kumar Pareek Vs. The State of Rajasthan: S.B. Civil Writ Petition No.3534/2009, decided on 20th January, 2014, observing thus:

"It is stated that petitioner was appointed on regular basis on the post of Teacher vide order dated 24.01.1992. After joining on 28.01.1992, petitioner was entitled for benefit of service and salary for summer vacation. Respondents denied aforesaid benefit and increment was shifted to the month of March despite of joining of petitioner in the month of January. Accordingly, the respondents be directed to pay salary of summer vacation and also the date of increment be made to January, 1993.

The officer-in-charge of the respondents could not justify the action of the respondents, inasmuch as Circular dated 28.07.2003 clarified that if employee has been appointed on regular basis on probation then he would be entitled for salary of summer vacation even if appointment is after 31 December. No justification is given by the respondents for denial of benefit of increment from January other than erroneously correlating it with the benefit of selection scale and thereby, shifting it by 48 days. I find the action of respondents is illegal, inasmuch as the petitioner is entitled for the benefit of salary of summer vacation as he is covered by the Circular. The petitioner should be given increment counting his service from the date of joining and not by shifting it to the month of March.

Accordingly, the writ petition is allowed and consequential benefit would be given to the petitioner as referred above. He would be entitled to other benefits based on appointment order dated 24.01.1992 and his joining on 28.01.1992, thus benefit of selection scale would also be determined."

2. Learned counsels for the petitioners further submit that, for the present, the petitioners would be satisfied if the State- respondents to address their representations within a time frame in the backdrop of the order dated 20th January, 2014 passed in the case of Yogesh Kumar Pareek (supra), which they are ready and willing to address within two weeks hereinafter.

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3. In view of the limited prayer addressed; the instant writ proceeding stands closed with a direction to the petitioners to address a comprehensive representation to the respondents ventilating their grievances.

4. In case, a representation/s is/are so addressed within the aforesaid period, the State-respondents are directed to consider and decide the same by a reasoned and speaking order, in accordance with law, as expeditiously as possible; however, in no case later than twelve weeks from the date of receipt of the representation/s along with a certified copy of this order.

5. With these observations and directions, as indicated above, the writ petition as well as stay petition are disposed of.

6. The order has been passed based on the submissions made in the petitions, the respondents would be free to examine the veracity of the submissions made in the petition and only in case, the averments made therein are found to be correct, the petitioners would be entitled to the relief.

(DR. NUPUR BHATI),J 256-/Devesh/-

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