HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

D.B. Spl. Appl. Writ No. 128/2025

Surya Kumari Ahari D/o Ram Lal, Aged About 25 Years, R/o Upali Sigri Post Nichli Sigri, Tehsil Jhadol, District Udaipur.

----Appellant

Versus

1. State Of Rajasthan, Through Principal Secretary Elementary Education, Rajasthan, Jaipur, Rajasthan.
2. Secretary, Panchayati Raj Department, Government Of Rajasthan, Secretariat, Jaipur
3. Rajasthan Staff Selection Board, Jaipur, Through Its Secretary, State Institute Of Agriculture Management Premises, Tonk Road, Shriji Nagar, Prithviraj Colony, Durgapura, Jaipur, Rajasthan
4. Director, Elementary Education, And Panchayati Raj (Elementary Education) Rajasthan, Bikaner, Rajasthan
5. District Education Officer (Elementary), Head Quarter, Elementary Education Sirohi, District Sirohi, Rajasthan
6. Chief Executive Officer, Zila Parishad, Sirohi, Rajasthan
7. Block Development Officer, Panchayat Samiti, Pindwara, District Sirohi, Rajasthan

----Respondents

For Appellant(s) : Mr. Harshit Yadav
For Respondent(s) : Mr. B.L. Bhati, AAG

HON'BLE THE CHIEF JUSTICE MR. MANINDRA MOHAN SHRIVASTAVA
HON'BLE MR. JUSTICE PRAMIL KUMAR MATHUR

Order

27/01/2025

1. Heard on admission.

2. Learned counsel for the appellant would argue that the order of learned Single Judge dismissing the writ petition suffers from an error of law, inasmuch as, it was not appreciated that the

appellant was already appointed on the post, therefore, any order passed in any other writ petition only could be made a basis to provide appointment to the successful petitioners in those cases, but could not be made a basis to terminate the services of those who have already been appointed, including the present appellant.

3. We find that one Lila Kumari Meena approached this Court, aggrieved by her non-inclusion in the select list. She claimed to be included in the select-list by virtue of she being a ST/divorcee candidate. Her petition eventually came to be allowed vide order dated 07.11.2023.

The services of the appellant and some other candidates, who were appointed, were terminated by an order dated 18.09.2024, which was challenged by filing writ petitions. The writ petition filed by the present appellant came to be allowed vide order dated 21.10.2024. It was held that the order of termination, being in violation of principles of natural justice, could not be sustained.However, a liberty was given to the respondents to pass a fresh order in accordance with law, is so advised, in compliance of the principles of natural justice, after hearing the appellant. The respondents after hearing, again passed an order terminating the services of the appellant towards implementation of the order passed by this Court on 07.11.2023 in the case of ***Lila Kumari Meena Vs. State of Rajasthan & Ors. (S.B. Civil Writ Petition No.15497/2023)***. It was necessary to pass the said order in order to accommodate Lila Kumari Meena.

4. There is nothing on record nor the learned counsel for the appellant could satisfy this Court that the order dated 07.11.2023 passed by the learned Single Judge in the case of Lila Kumari

Meena (supra) was reversed in any other proceedings. Therefore, in these circumstances, the reason assigned for termination of services of the appellant cannot be termed as arbitrary or discriminatory being violative of Article 14 of the Constitution of India.

5. The appellant did not acquire any right to hold the post, as he was on probation. As a matter of fact, she was appointed on 28.07.2024 and thereafter, in order to accommodate Leela Kumari Meena towards compliance of the order passed by this Court in the writ petition filed by her, the services of the appellant were terminated on 25.11.2024.

6. Though learned counsel for the appellant strenuously urged before this Court to issue direction to the respondents to explore the possibility to continue the appellant in employment, but in absence of any material on record showing that there exists any possibility so that the appellant could be accommodated, this Court is unable to issue mandamus to continue her services. In fact, learned Single Judge has clearly noted that the appellant has not been able to show that any post is lying unfilled.

7. In that view of the matter, we are not inclined to interfere with the order passed by the learned Single Judge and the present appeal is hereby dismissed.

8. Before parting with the case, we may hasten to add here that the order of the learned Single Judge dismissed the writ petition without granting any relief, because the appellant could not place any material on record regarding existence of any vacancy. If the case of the appellant is that there are still some posts lying vacant, which remained unfilled under the same

process of recruitment, this order will not come in her way to persuade the respondents to appoint/continue her in service against any of the existing vacancies.

(PRAMIL KUMAR MATHUR),J **(MANINDRA MOHAN SHRIVASTAVA),CJ**

13-AnilKC/-