HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

S.B. Civil Writ Petition No. 7717/2016

Heera Lal

----Petitioner

Versus

The State of Rajasthan and Ors.

----Respondents

Connected With

S.B. Civil Writ Petition No. 7236/2016

Om Prakash Jangid and Ors.

----Petitioners

Versus

State of Rajasthan and Ors.

----Respondents

For Petitioner(s)	:	Mr. Mohan Singh Shekhawat
For Respondent(s)	:	Mr. D. S. Pidiyar, AAAG with Ms. Raman Rathore for Mr. S.S. Ladhrecha, AAG Mr. N. K. Mehta

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JUSTICE DINESH MEHTA

Order

27/01/2025

1. Learned counsel for the respondents, at the outset, submitted that a bunch of writ petitions led by S.B. Civil Writ Petition No.7936/2018 (Arun Kumar Agarwal & Ors. Vs. State of Rajasthan & Ors.) involving the common question of facts and law have been dismissed by this Court vide order dated 03.01.2025.

2. Learned counsel for the petitioners does not dispute the aforesaid position of facts and law.

3. For the sake of convenience, the order dated 03.01.2025 is reproduced herein infra:-

> 1. *All these writ petitions involve common question of facts and law, therefore, same are being decided by this common order; however, for the sake of convenience, facts of S.B. Civil Writ Petition No.7936/2018 are taken into consideration.*
> *2. The petitioners were appointed on the post of Teacher Grade -III by the respondents after following the due process. On 17.12.2014, the petitioners were promoted to the post of Teacher Grade-II and were asked to join their respective duties at the promotional places.*
> *3. Much after the petitioners joined as Teacher Grade-II, by way of order dated 18.04.2016, the respondents reverted them to the post of Teacher Grade-III.*
> *4. The basic plank for which these petitions have been preferred is, that the respondents had not provided any opportunity of hearing to the petitioners, while passing the order dated 18.04.2016, and reverting them from the promoted post.*
> *5. Mr. Ujjwal, learned counsel for the petitioners argued that impugned order suffers from vice of non-observance of principles of natural justice and therefore, the same deserves to be quashed on this solitary ground.*
> *6. Mr. Mehta, learned counsel appearing for the State on the other hand submitted that the order impugned has been passed consequent to review DPC, which was convened by the State.*
> *7. He argued that when it was found that persons senior to the petitioners were not accorded promotion, the review DPC was convened and recommended that those persons be accorded promotion. And it was due to promotion of those left out persons, promotion granted to the petitioners have been revoked.*
> *8. While arguing that the petitioners have not challenged the fact that the persons who have now been promoted in place of them, were in any manner ineligible or not senior to them; learned counsel argued that the petitioners have no case worth indulgence.*
> *9. Heard learned counsel for the parties and perused the record.*
> *10. Admittedly, the order impugned dated 18.04.2016 came to be passed pursuant to review DPC that was convened by the*

respondent-State. The fact that the persons who have been granted promotion pursuant to review DPC are/were senior to the petitioners is not disputed. Such being the factual backdrop, the observance of principles of natural justice, even if made, would have been an empty formality.

11. The petitioners reversion is a natural concomitant of grant of promotion to the persons senior to them, which has been done in review DPC.

12. It is a settled position of law that non-observance of principles of natural justice per-se does not vitiate the administrative orders unless the petitioners are able to demonstrate to the Court that non-observance of principles of natural justice has led to miscarriage of justice and the petitioner held a plausible defence.

13. The Court has given post decisional hearing and nothing wrong could be pointed out. The challenge to the order impugned simply on the basis of non-adherence to the principles of natural justice is untenable in the present factual matrix.

14. This Court does not find any error or illegality in the order impugned. All these writ petitions, therefore, fail.

15. It is therefore, ordered that since the petitioners have been asked to join the promotional posts on the basis of validly passed orders, the respondent-State shall not initiate any recovery proceedings against the petitioners for the purported erroneous promotion that has been granted to them."

4. While following the judgment dated 03.01.2025 passed by this Court in the case of Arun Kumar Agarwal (supra), the present writ petitions also stand dismissed.

5. The stay applications also stand dismissed accordingly.

(DINESH MEHTA),J

291-292-Arun/-