HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 3702/2007
CNR: RJHC020223382007 | URN: CW / 6532U / 2007

Murari Lal Joshi S/o Sh. Jugal Kishore Joshi, Bajrang Bhawan, Mori Ka Bas, Naya Shahar, Sikar

----Petitioner

Versus

1. State of Rajasthan through its Secretary, Department of Education, Secretariat, Jaipur
2. Director, Primary and Secondary Education, Bikaner
3. District Education Officer Secondary, Sikar
4. The Secretary Department of Personnel, Secretariat, Jaipur
5. Director, Directrate of Pension and Pensioners Welfare Raj., Jaipur
6. The Principal, Govt. Shri Hindi Vidhya Bhawan Secondary School, Sikar.

----Respondents

For Petitioner(s)	:	Ms. Priya Rastogi (through VC) for Mr. Ankur Rastogi
For Respondent(s)	:	Ms. Namita Parihar, Dy. GC Ms. Priyansha Barwar for Mr. Rahul Lodha, AGC

HON'BLE MR. JUSTICE SANDEEP TANEJA

Order

28/10/2026

1. By way of the present writ petition, the petitioner seeks direction to the respondents to fix his selection grade and revise his pension by taking into account his entire service from the date of his initial appointment.

2. Learned counsel for the petitioner submits that the petitioner was initially appointed as a Teacher Grade-III on 18.08.1968 at Shri Hindi Vidhya Bhawan Secondary School, Sikar. Subsequently, on the recommendation of the School Selection Committee, he was promoted

Digitally signed by
AVINASH GULERIA
Date: 2026.10.31
11:13:43 IST

to the post of Teacher Grade-II vide order dated 01.07.1972. He retired from service on 29.02.2004 upon attaining the age of superannuation. It is further submitted that the petitioner rendered approximately 36 years of service, from 18.08.1968 to 29.02.2004, and is, therefore, entitled to the benefit of selection grade and revision of his pension by taking into consideration the entire period of service rendered by him.

3. Per contra, learned counsel for the respondents submits that the school in which the petitioner was initially appointed was a private institution and that the institution was subsequently taken over by the State Government on 10.10.1997 under the provisions of the Rajasthan Civil Services (Appointment & Other Service Conditions of Employees of Private Institutions and Other Establishments Taken Over by the Government) Rules, 1977 (hereinafter referred to as 'the Rules of 1977').

4. Learned counsel for the respondents further submits that, upon the takeover of the institution, all its employees were given fresh appointments to the respective posts held by them in the private institution. Accordingly, the petitioner was also given a fresh appointment on the date of takeover, which he accepted. It is also submitted that the petitioner retired from service on 29.02.2004 upon attaining the age of superannuation and, therefore, had not completed the requisite nine years of service. Consequently, learned counsel insists that the petitioner is not entitled to the benefit of selection grade.

5. In support of their submissions, learned counsel for the respondents have placed reliance upon the judgment rendered by the Division Bench of this Court in ***Shri Shankar Lal Sharma v. State of Rajasthan & Ors.***, D.B. Special Appeal (Writ) No. 374/2012, decided on 01.12.2014.

6. Having heard the submissions advanced by learned counsel for the parties and perused the material available on record, this Court observes that the petitioner's claim is primarily based on the period of service rendered by him, which is stated to be 36 years. The petitioner was initially appointed as a Teacher Grade-III on 18.08.1968, was subsequently promoted to the post of Teacher Grade-II on 01.07.1972, and retired from service on 29.02.2004.

7. In the case of ***Shri Shankar Lal Sharma*** (supra), a Division Bench of this Court, vide judgment dated 01.12.2014, declined to grant relief in similar circumstances and observed as under:

> "After hearing both the parties, we find no substance in the submission made. Sub-rule (2) & (3) of Rules 1977 clearly envisage that at the time when the State Government take over the private institution including all staff, such of the teachers shall be considered to be a fresh recruit in Government service against the quota of direct recruitment in the relevant service Rules and as regard inter se seniority is concerned, it will be the same as being maintained by the private education institution, but their past service rendered in a private education institution stands obliterated for the purpose of selection scale and other benefits and that being so to grant benefit of selection scale and other service benefits under the circular dated 25.01.1992 issued by the State Government, the employee is supposed to render a minimum nine years of service. The present appellant joint as a teacher in the State Government e.w.f. 10.10.1997 and retired from service on 31.07.2002 and had not rendered the minimum nine years of service in State Government, which can make him entitle for grant of selection scale under the circular dated 25.01.1992 issued by the State Government and as regard the leave encashment and other retiral benefits are concerned, the ld. Single Judge has left it open for the State Government to consider and to grant such benefits which an employee like the present appellant is entitled for under the Rules.

> The appeal is devoid of any merit & accordingly dismissed."

8. The observations made by the Division Bench squarely apply to the facts of the present case. In the instant case, it is an undisputed fact that the petitioner was initially appointed at Shri Hindi Vidhya Bhawan Secondary School, Sikar, which was a private institution. The said institution was taken over by the State Government on 10.10.1997 under the Rules of 1977. Consequently, in terms of the said Rules, the petitioner was treated as a fresh appointee with effect from 10.10.1997. He continued in service in that capacity until his retirement on 29.02.2004 upon attaining the age of superannuation. Admittedly, the petitioner had not completed nine years of service from the date on which the institution was taken over and he was treated as a fresh appointee until the date of his retirement. Hence, the petitioner is not entitled to any of the reliefs sought.

9. Accordingly, the present writ petition, being devoid of merit, is dismissed.

10. Pending applications, if any, stand disposed of.

(SANDEEP TANEJA),J

9-DA-/AVINASH GULERIA