HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 21621/2026
CNR: RJHC021017662026 | URN: CW / 45386U / 2026

Sitaram Pujari S/o Jagdish Narayan Sharma, Aged About 40 Years, R/o Village Goner, Tehsil Sanganer, District Jaipur, Rajasthan.

----Petitioner

Versus

1. The State Of Rajasthan, Through Additional Chief Secretary, Department School Education Department, Govt. Secretariat, Jaipur.
2. The Director, Elementary Education, Rajasthan, Bikaner.
3. The District Education Officer (Headquarter), Elementary Education, Bhilwara.
4. The Chief Block Education Officer, Samagra Shiksha, Block Raipur, District Bhilwara.
5. The Principal, Govt. Senior Secondary School, Lasadiya, Shahpura, District Bhilwara.

----Respondents

For Petitioner(s)	:	Mr. Ram Pratap Saini with Mr. Amir Khan
For Respondent(s)	:	

JUSTICE ANOOP KUMAR DHAND

Order

28/10/2026

1. The instant petition has been preferred by the petitioner with the following prayer:-

> i) By issuing an appropriate writ, order or direction in the nature thereof and thereby quash and set aside the impugned order dated 10.09.2026 (Annex.1) passed by respondent;
> ii) By issuing an appropriate writ, order or direction in the nature thereof to quash and set aside the impugned memorandum of charge-sheet dated 12.05.2026 and 24.09.2026

(Annex.2 & 4), being illegal and without jurisdiction;

iii) By issuing an appropriate writ, order or direction in the nature thereof and thereby direct the respondents to revoke suspension order of the petitioner with immediate effect by re-instating him in service treating as continuing gain service with all consequential benefit;

iv) By issuing an appropriate writ, order or direction in the nature thereof and thereby direct to the respondents to change the headquarter of petitioner during suspension period from CBEO office, Raipur Bhilwara to Ajmer District;

v) Any other order or direction which this Hon'ble court deems just and proper may also be passed in favour of the petitioner.

2. By way of filing the instant petition, the petitioner has prayed for quashing the impugned suspension order dated 10.09.2026 and for quashing the impugned charge-sheet dated 12.05.2026 & 24.09.2026.

3. In the considered opinion of this Court, charge-sheet cannot be quashed by this Court in exercise of its jurisdiction contained under Article 226 of the Constitution of India as the writ charges levelled against the petitioner are required to decided by the Enquiry Officer and the Disciplinary Authority on the basis of the evidence adduced by both sides.

4. It has been apprised at bar that the petitioner has already submitted a detailed reply to the charge-sheet, hence the alternative prayer sought for quashing the charge-sheet is not maintainable anymore. The Enquiry Officer would pass appropriate orders on the basis of the evidence of both sides by way of passing a reasoned and speaking order and thereafter, the Disciplinary Authority would pass appropriate orders. So far as the prayer No.1 with regard to challenge of the impugned suspension

order is concerned, this Court is not inclined to quash the impugned suspension order of the petitioner in light of the directions issued by the Hon'ble Apex Court in Para 21 of **Ajay Kumar Choudhary vs. Union of India & Anr.** reported in **(2015) 7 SCC 291** wherein it has been held as under:-

> *"21. We, therefore, direct that the currency of a suspension order should not extend beyond three months if within this period the memorandum of charges/charge-sheet is not served on the delinquent officer/employee; if the memorandum of charges/charge-sheet is served, a reasoned order must be passed for the extension of the suspension. As in the casein hand, the Government is free to transfer the person concerned to any department in any of its offices within or outside the State so as to sever any local or personal contact that he may have and which he may misuse for obstructing the investigation against him. The Government may also prohibit him from contacting any person, or handling records and documents till the stage of his having to prepare his defence. We think this will adequately safeguard the universally recognized principle of human dignity and the right to a speedy trial and shall also preserve the interest of the Government in the prosecution. We recognise that the previous Constitution Benches have been reluctant to quash proceedings on the grounds of delay, and to set time-limits to their duration. However, the imposition of a limit on the period of suspension has not been discussed in prior case law, and would not be contrary to the interests of justice. Furthermore, the direction of the Central Vigilance Commission that pending a criminal investigation, departmental proceedings are to be held in abeyance stands superseded in view of the stand adopted by us."*

4. In view of the judgment passed by the Hon'ble Supreme Court in the matter of **Ajay Kumar Choudhary (supra)** and in view of Rule 13(5) of the Rajasthan Civil Services (Classification, Control & Appeal) Rules, 1958, this Court deems it just and proper to direct the respondents to consider the case of the petitioner for revocation of suspension within a period of 60 days by way of passing a speaking and reasoned order strictly in accordance with law. However, the petitioner is at liberty to file fresh writ petition, if need so arises.

5. Ordered accordingly. The instant writ petition is disposed of. The stay application, if any, also stands disposed of.

(ANOOP KUMAR DHAND),J

48/GAURAV SHARMA