

**HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR**

S.B. Civil Writ Petition No. 6101/2024

CNR: RJHC010273692024 | URN: CW / 11670U / 2024

Pooran Mal S/o Shri Lal Chand Jatav, Aged About 44 Years,
Village Chhokarwara Khurd, District Bharatpur Presently Working
As Headquarter Government Girls Secondary School, Hadiya,
Dausa, Rajasthan. -----Petitioner

Versus

1. State Of Rajasthan, Through Its Principal Secretary,
Department Of School Education, Government Of
Rajasthan, Secretariat, Jaipur, Rajasthan.

2. State Of Rajasthan, Through Special Secretary To
Government, Education (Group-2), Government Of
Rajasthan, Secretariat, Jaipur, Rajasthan.

3. The Director, Secondary Education Rajasthan, Bikaner,
Rajasthan. -----Respondents

For Petitioner(s) : Mr. Keshav Bhati
Mr. Sukhdev Singh Solanki

For Respondent(s) : Mr. S.S. Ladrecha, AAG

HON'BLE MR. JUSTICE MUKESH RAJPUROHIT
Order

07/08/2026

1. At the outset, learned counsel for the petitioner submits that
the controversy involved in the present writ petition has already
been settled by a Coordinate Bench of this Court in the case of
Vibha Pandya v. State of Rajasthan & Ors. passed in
S.B. Civil Writ Petition No.9743/2025, decided on 04.08.2026.
Learned counsel therefore prays that similar order/directions may
also be passed in case of the petitioner.

2. *E-converso*, learned counsel for the respondents opposes,
however, learned counsel for the respondents, is not in a position

to refute the fact that the case of the petitioner is squarely covered with the case of **Vibha Pandya** (supra).

3. In the case of **Vibha Pandya** (supra) decided on 04.08.2026, following order had been passed :-

“

5. Heard learned counsel for the parties as well as perused the material available on record.

6. This Court finds that the petitioner has been punished solely on the ground that the result for the Academic Session 2018-19 for the subject-Political Science was below the standards/criteria and has also been deprived from the promotion on the post of Vice Principal on account of the punishment of Censure.

7. Thus, taking into consideration the order dated 20.05.2013 passed in **Shailendra Kumar Bhatt (supra)**, this court is of the view that the present controversy is squarely covered by the aforesaid order, relevant portion of which is reproduced as under:-

“xxxxx. The petitioner was subjected to proceedings under Rule 17 of the Rules of 1958 under the memorandum dated 07.12.2011. A detailed explanation was given by him making a reference of all the efforts made by him to avail satisfactory result. The respondent disciplinary authority, however, under the order dated 22.05.2012 imposed a penalty of censure upon the petitioner. The order impugned dated 22.05.2012 is apparently a non-speaking and unreasoned order. This order nowhere mentions as to how the petitioner was responsible for having a lower result than the settled standards. True it is, the appellate authority has taken into consideration the grounds raised by the petitioner in appeal and also gave a finding after discussing the same, but on this count, the wrong existing with the original order passed by the disciplinary authority do not stand rectified.

Be that as it may, this court in the case of **Ashok Kumar Kulhari and Hari Kishan Sharma (supra)** in quite unambiguous terms held that bad result may be on account of various reasons, for which teacher or Principal of the school cannot be held responsible. The same view was taken in the case of **Dharamveer Vs. State of Rajasthan & Ors.** reported in 2005(5) RDD 1219 (Raj.) almost in similar circumstances holding as under :-

“The allegation levelled against the petitioner is that in the educational session of 1998-99, result of the students of the school where the petitioner was teaching in the subject of Science remained below the standard settled by the Education Department. In memorandum dt. 07.12.2000 issued by the Deputy Director, Secondary Education, Bikaner (Churu), it is nowhere stated that the result of the school in specific subject remain below the standard settled by the Education Department due to slackness, carelessness or due to some act of

commission or omission on the part of the petitioner. It is well settled that to constitute misconduct in a service, there must be commission or omission of some act on the part of the employee. Beside this, charge should be specific and must be without any ambiguity. The allegation of misconduct must be based on specific acts, deeds or omission of the employee. In absence of it, the charge shall be vague. The charge levelled against the petitioner is not at all specific, as such the same is vague."

In the instant case also, there is no allegation that the result of the school concerned lowered down due to commission or omission on the part of the petitioner. The result below the norms settled by the Education Department may be for several reasons and without arriving at a finding that the result came down due to commission or omission on the part of the petitioner, he could have not been penalized under Rule 17 of the Rules of 1958, thus, the order impugned dated 22.05.2012 passed by the disciplinary authority as well as the order dated 31.12.2012 passed by the appellate authority are bad and deserves to be quashed.

Accordingly, the writ petition is allowed. The impugned orders passed by the disciplinary authority and the appellate authority are quashed. No order as to costs."

8. Thus, this Court also finds that there is no specific allegation alleged against the petitioner that the said result for the subject-Political Science has been lowered on account of omission on part of the petitioner and there can be several possible reasons on account of which, the result of the Academic Session 2018-19 was lesser for the subject-Political Science and thus, the petitioner could not be held liable for the lesser result and could not be penalized by taking shelter of Rule 17 of the CCA Rules, 1958 while imposing her penalty of Censure and also depriving her of promotion on the post of Vice Principal and other consequential benefits.

*9. Having regard to the facts and circumstances of the case as available on record and applying the ratio of **Shailendra Kumar Bhatt (supra)**, the instant writ petition is allowed. The order dated 29.09.2020 (Annexure-7) as well as the Office Order dated 27.02.2023 (Annexure-8) passed by the Director, Secondary Education Department, Rajasthan, Bikaner, are quashed and set aside qua the petitioner.*

10. Stay application as well as all other pending applications, if any, also stand disposed of. No order as to costs."

3. Having heard learned counsel for the parties and perused material available on record, this Court deems it appropriate to allow present writ petition on the same terms *mutatis mutandis* as in **Vibha Pandya** (supra). Consequently, the order dated 12.10.2022 (Annex.5) & impugned order dated 25.01.2024 (Annex.7) are quashed and set aside.



4. The stay application and all pending application(s), if any, stand disposed of.

(MUKESH RAJPUROHIT),J

97/Mrityunjay Singh Rathore/