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**(2011) 04 RAJ CK 0013**

**In the Rajasthan High Court**

**Case No :** Civil Special Appeal (Writ) No. 04776 of 2009

Dhanna and Others

APPELLANT

Vs

The State of Rajasthan and Others

RESPONDENT

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**Date of Decision :** 15-04-2011

**Acts Referred:**

**Citation :** (2011) 04 RAJ CK 0013

**Hon'ble Judges :** Dinesh Maheshwari, J;C.M. Totla, J

**Bench :** Division Bench

**Final Decision :** Dismissed

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## **Judgement**

1. These matters have been listed in defect/default category for the defects having not been removed but having regard to the circumstances that similar matters have already been decided by this Court, while ignoring the defect/default, we have considered the matters on merits.

2. The Appellants-Petitioners were engaged as "Vidhyarthi Mitra" to undertake teaching work in schools on contract basis under the scheme framed by the State Government; they approached this Court by filing the respective writ petitions stating the grievance, inter alia, that their services would not be continued after summer break. It appears that the engagement of some of incumbents continued during the pendency of the litigation pursuant to the orders passed by the Court. Thereafter, a batch of petitions involving similar issues was decided at Jaipur Bench of this Court on 08.05.2009 with certain directions essentially to the effect that the Respondents shall consider the cases of Petitioners for continuation in service until the regular selections were made but with the observations that the Petitioners would not be entitled for salary during the period of vacations i.e., when the schools remain closed. Following the said decision, the writ petitions as preferred by the present Appellants have been decided by the learned Single Judge of this Court in the same terms and with the same directions. Hence, these appeals.

3. It is noticed that the intra-court appeals as filed at the Jaipur Bench against the order dated 08.05.2009 were considered and dismissed by a Division Bench of this Court in the case of Rajendra Kumar Saini & 126 Ors. v. State of Rajasthan and Ors. reported in 2010 (1) WLC (Raj.) 171.

4. In the said decision, this Court has clearly held while dismissing the similar nature appeals that the Appellants-Petitioners are not entitled to claim regularisation on the post on which appointments were given on contractual basis; that the Appellants-Petitioners, not appointed as per the recruitment rules, are not entitled to make a claim for equal pay; and they are not entitled to make a claim of salary for summer vacations.

5. It is further noticed that following the said decision in Rajendra Kumar Saini (supra), this Court has dismissed several other appeals including a batch of appeals led by SAW No. 580/2009: Chandar Prakash Bishnoi and Ors. v. The State of Rajasthan and Ors. on 15.02.2010. We do not find any reason to differ from the view already expressed in similar matters.

6. Accordingly, these appeals stand dismissed.