

(2011) 03 RAJ CK 0023

In the Rajasthan High Court

Case No : S. NoCWP 1218 of 2011 Stay Petition No. (1122 of 2011)

Kailash Chand Jyotishi

APPELLANT

Vs

State and Others

RESPONDENT

Date of Decision : 08-03-2011

Acts Referred:

Citation : (2011) 03 RAJ CK 0023

Hon'ble Judges : Ajay Rastogi, J

Bench : Single Bench

Judgement

Ajay Rastogi, J.—Counsel jointly submit that the Petitioners have worked as Vidhyarthi Mitra in various government educational institutions, but after the policy of rationalization and equalization was introduced by the State Government, some were displaced from their places of posting and services of some of them were terminated since there was no post available where they were discharging their duties as Vidhyarthi Mitra.

2. Counsel further submits that the controversy involved in the present petitions has been finally decided before the Main Seat at Jodhpur in Civil Writ Petition-8966/2009 (Prahlaad Kumar Sharma v. State of Rajasthan & Ors) decided on 22/07/2010 with the following observations:

6. In view of aforesaid, these writ petitions are also disposed of in view of earlier decision of this Court by Single Bench as well as Division Bench and aforesaid quoted decisions of the State Government vide letter dtd.4.6.2010 and 26.6.2010 and the Respondents shall continue the contract of employment of present Vidhyarthi Mitras-Petitioners who have worked for Academic Session 2009-2010 till the end of Academic Session 2010-2011 and shall also consider the case of present Petitioners - Vidhyarthi Mitras for transfer and absorption under the Rationalisation and Equalisation Policy also in other Blocks/Tehsil and Districts as requested by the Director, Elementary Education, Bikaner vide letter dtd.26.6.2010 to the Principal Secretary, School and Sanskrit Education, Jaipur vide Annex.4 dtd.26.6.2010. The decision shall not confer any right on the

Petitioners - Vidhyarthi Mitras to continue in said position after the end of Academic Session 2010-2011 unless State Government itself takes a decision otherwise in this regard.

7. These directions will apply to the present Petitioners and all other similarly situated Vidhyarthi Mitras who have worked for Academic Session 2009-2010, even if they have not approached this Court by way of a writ petition and the Respondents will be bound to give similar treatment to all other similarly situated person without requiring them to approach this Court by way of fresh writ petition.

8. Those Vidhyarthi Mitras who worked for the Academic Session 2008-2009 or prior to that but did not work as such for the Academic Session 2009-2010, are not entitled to the aforesaid relief as such. However, if such Vidhyarthi Mitras make any representation and vacancies are still available with the State Government for Academic Session 2010-2011, their cases may be considered for reemployment. If however, it is not found appropriate to re-employ such Vidhyarthi Mitras, the Principal Secretary may pass one common order for such Vidhyarthi Mitras employed for Academic Session 2008-2009 or prior to that and it will not be necessary for all respective District Education Officers or any other authority to pass separate orders on such representations.

A circular No. i&17?? f"k{k&2@2003 dt. 31/01/2011 has been issued by the Government regarding adjustment of Vidhyarthi Mitras for vacancies in district, which reads as under:

jktLFkku ljdkj

?f"k{k xzqi & 2 foHkkx ?

?ekad % i 17?? f"k{k & 2 @ 2003 t;iqj] fnukad 31- 1- 2011

funs"kd]

izkjfEHkd @ ek;/fed f"k{k

jktLFkku] chdkusj A

fo"k; % & fo|kFkZ;ksa fe=ksa dks yxk;s tkus ds lacak esa A

egksn;]

mijksDr fo"k;kUrxZr funsZ"kkuqlkj ys[k gS fd jktLFkku yksd lsok vk;ksx ,oa foHkkfx; inksUufr lfefr ls p;fur vH;kfFkZ;ksa ds inLFkkiu dsi"pkr Hkh fo|ky;ksa esa v;/kidksa ds dkQh in fjDr pys vk jgs gS A vr% ;g fu.kZ; fy;k x;k gS fd jktLFkku yksd lsok vk;ksx ,oa foHkkxh; inksUufr lfefr ls p;fur vF;kFkhZ ,oa LukukUrj.k ls fo|ky; esa v;/kid ds inLFkkfir gksus ij ml fo|ky; esa dk;Zjr fo|kFkhZ fe= dks ftys ds vU; fo|ky; esa tgka in fjDr gks yxk;k tkos A d`i;k leLre lacaf/kr foHkkxh; vf/kdkfj;ksa dks lwfpr djrs gq, rnqulkj dk;Zokgh djus gsrq funsZf"kr djsa A

In light of judgment and circular (supra), the writ petitions are accordingly disposed of alongwith stay petition and the Petitioners are also entitled mutatis mutandis for the same benefits, as referred to in paras 6 to 8 of judgment (supra) - for which they may submit fresh representation to competent authority who may examine their grievance in the light of judgment & circular (supra) and pass a speaking order in accordance with law within one month thereafter. No cost.