

(2019) 01 RAJ CK 0076
In the Rajasthan High Court
Case No : Civil Writ No. 255 Of 2019

Mithilesh Naruka And Ors

APPELLANT

Vs

State Of Rajasthan And Ors

RESPONDENT

Date of Decision : 09-01-2019

Acts Referred:

Citation : (2019) 01 RAJ CK 0076

Hon'ble Judges : Arun Bhansali, J

Bench : Single Bench

Advocate : Sushil Solanki

Final Decision : Disposed Off

Judgement

This writ petition has been filed by the petitioners seeking following reliefs:-

"i) by an appropriate order or directions, the respondents may kindly be directed to grant notional seniority and permanent statute of service to the petitioners on the post of Prabodhak w.e.f. 1.10.2010 counting initial appointment of the petitioners w.e.f. 1.10.2008 on which date, the similarly situated and lesser meritorious persons were given appointment.

ii) By an appropriate writ, order or directions, the respondents be directed to give regular pay scale w.e.f. 1.10.2010 and arrears of salary with interest from the date the same became due till the date of payment.

iii) By an appropriate writ, order or directions, in the alternate and without prejudice to the above, the writ petition of the petitioners may kindly be disposed of in terms of the judgment/order dated 12.5.2014 (Annex.1) passed in S.B.C.W. Petition No.5405/2012 Suman Jhanwar & Ors. Vs. State of Rajasthan and Ors. and other similar writ petitions.

iv) Any other appropriate order or direction which this Hon'ble Court considers just and proper in the facts and circumstances of the present case, may kindly be passed in favour of the petitioner.

v) Cost of the writ petition may be awarded to the petitioner."

It is, inter alia, submitted by learned counsel for the petitioners that the case of the petitioners is similar to that of petitioners in *Suman Jhanwar & Ors. v. State of Rajasthan & Ors.*: SBCW No.5405/2012, decided on 12.02.2015, whereby this Court directed the petitioners to file appropriate representation before the appointing authority and on filing of such representation, the petitioners therein have been granted the requisite relief by the respondents and, therefore, the present petitioners may also be granted similar relief as granted in the case of *Suman Jhanwar (supra)*.

In the case of *Suman Jhanwar (supra)*, this Court after hearing the parties, passed the following order:-

"Therefore, the present writ petitions are disposed of with liberty and direction to the petitioners to file appropriate representation with relevant evidence before the appointing authority, who has issued the orders of appointment to the petitioners claiming the same relief, as purportedly given to other similar situated persons. It is expected of the respondent authority to pass speaking orders after providing the opportunity of hearing to the petitioners or their authorized representative as to why similar benefit cannot be extended to them though others persons have been given such benefits. If, however, any adverse order is passed against the petitioners, the petitioners will be at liberty to avail the legal remedy available to them in accordance with law."

In view of the submissions as noticed hereinbefore, the writ petition filed by the petitioners is disposed of with the similar directions as given in the case of *Suman Jhanwar (supra)*.