
(2010) 08 RAJ CK 0173
In the Rajasthan High Court

Mukesh Sharma and Others

APPELLANT

Vs

State and Others

RESPONDENT

Date of Decision : 09-08-2010

Acts Referred:

Citation : (2010) 08 RAJ CK 0173

Hon'ble Judges : Ajay Rastogi, J

Bench : Single Bench

Judgement

Ajay Rastogi, J.—In this bench of petitions, since a common question has been raised, hence being decided by the present order.

2. All the petitioners are working 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.

3. Counsel for the petitioners submits that the controversy involved in the present petitions has been finally decided before the Main Seat at Jodhpur in S.B. Civil Writ Petition No. 8966/2009 (Pahalad Kumar Sharma v. State of Rajasthan and Ors.) decided on 22.7.2010 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.

4. Both the parties jointly prayed that the present controversy in this bunch of petitions may be decided in light of the judgment delivered at the Main Seat, Jodhpur (supra).

5. In light of judgment (supra), these writ petitions alongwith stay petitions are accordingly disposed of and the petitioners are also entitled to the same benefits, as referred to in paras 6 to 8 of the judgment (supra), in the same terms.

6. Before parting with the judgment, some of the petitioners have raised objections that despite the fact that they are discharging duties as Vidhyarthi Mitra, for one or the other reason, their due salary has not been paid. If that be so, they are always at liberty to make representation to the concerned/competent authority for release of their due salary, as alleged, and it is expected from the authority to decide the same within a period of one month by passing speaking order, in accordance with law.

7. No order as to costs.