



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

S.B. Civil Writ Petition No. 8742/2025

Manish Bhargava S/o Shri Gangadhar Bhargava, Aged About 38 Years, Resident Of Ward No. 22, Om Colony, Churu, Presently Posted As Senior Teacher, Mahatma Gandhi Govt. School (English Medium), Ghanghu, District Churu (Raj.).

-----Petitioner

Versus

1. The State Of Rajasthan, Through Its Principal Secretary, School Education And Panchayati Raj (Elementary Education) Department, Govt. Secretariat, Jaipur.
2. The Secretary, Department Of Secondary Education, Govt. Secretariat, Jaipur.
3. The Joint Secreetary, Education (Group-2Nd) Department, Jaipur.
4. The Director, Secondary Education, Bikaner.
5. The Joint Director, School Education, Zone Churu, Churu.
6. The Chief District Education Officer, Churu.
7. The Chief Block Education Officer, Churu.
8. The Principal, Mahatma Gandhi Govt. School (English Medium), Ghanghu, District Churu (Raj.).

-----Respondents

For Petitioner(s)	:	Mr. Yashpal Khilery
For Respondent(s)	:	Mr. NK Mehta, Dy.G.A. with Mr. Bhupesh Charan

HON'BLE MR. JUSTICE FARJAND ALI

Order

06/11/2025

1. This petition has been filed by the petitioner seeking quashing of denial of promotion to the petitioner on the post of Lecturer (School Education) against the vacant post of Lecturer (History



Subject) for the year 2022-23 and afford the petitioner promotion on the next promotional post.

2. It is inter alia indicated in the writ petition that the petitioner was visited with penalty of censure by order dated 04.12.2019 (Annex.2). The respondents initiated the proceedings for promotion to the post of Lecturer (School Education) for the year 2022-23. The Department started collecting the material for the said purpose and required details of employees, who were penalized with the punishment in the past seven years vide order dated 13.12.2024 (Annex.6), wherein, name of the petitioner has been reflected on account of penalty of censure.

3. The petition essentially has been filed as is reflected from para 10 of the writ petition that as the petitioner has been visited with penalty of censure, his case has been rejected by the DPC & declared him ineligible for Promotion vide order dated 13.12.2024 (Annex.6).

4. Submissions have been made that only on account of penalty of censure the consideration of petitioner's candidature by the DPC cannot be rejected and his candidature has to be considered by the DPC.

5. A response has been submitted by the State inter alia indicating that the petitioner was not considered for promotion in the DPC for the year 2022-23 because the petitioner has been punished with the penalty of censure in the last seven years, as the same is a natural consequence and effect of penalty and it has been prayed that petition be dismissed.



6. Learned counsel for the petitioner made submissions that action of the DPC in not considering the case of the petitioner for promotion only on account of penalty of censure is not justified inasmuch as the criteria for promotion is seniority-cum-merit, in which case even if an incumbent has been visited with penalty the same cannot be the criteria for denying the promotion and, therefore, the petition deserves to be allowed.

7. Reliance has been placed on the judgment in State of Rajasthan & Ors. vs. Ashok Singhvi : 2013 (4) WLN 251.

8. Learned counsel for the respondents contested the submissions based on the response, as noticed hereinbefore.

9. I have considered the submissions made by learned counsel for the parties and have perused the material available on record.

10. Though the petition was filed, as noticed in para 10 of the petition, however, from the response of the respondents it appears that the DPC has met, however, it has not even considered the case of the petitioner for promotion only on account of the fact that petitioner was visited with penalty of censure.

11. The issue raised in the petition is no more res integra as Division Bench in the case of Ashok Singhvi (supra) while upholding the judgment of learned Single Judge inter alia observed as under:

“12. A glance at the impugned order passed by the learned Single Judge clearly and unequivocally reveals that the learned Single Judge has simply confined the relief to the respondent vis-a-vis his right of consideration for promotion and question of his suitability for promotion has been left open to be decided by the competent authority. Learned Single Judge has further observed that if the penalty suffered by the





incumbent adversely effects minimum merit necessary for efficiency of administration, the DPC can adjudge him unsuitable for promotion.

Learned writ Court has further concluded that debarring an incumbent from his right of consideration for promotion on the strength of Circular dated 26th of July 2006 is not sustainable and that being so issued directions to consider the candidature of the respondent ignoring the said Circular. On examining the impugned order in the light of Rule 24A of the Rules of 1963 and on the touchstone of the Constitution Bench judgment of the Apex Court in Guman Singh's case (supra), and the latest verdict of the Hon'ble Apex Court in case of Sarva U.P. Gramin Bank's case (supra), we do not feel persuaded to interfere with the impugned order. The legal precedents which are cited by the learned Addl. Advocate General, are having no bearing whatsoever on the issue involved in the matter, and therefore, these judgments are of no help to the appellants. We, therefore, fully concur with the impugned order passed by the learned Single Judge and find no merit in this appeal.

Resultantly, this intra-court appeal is hereby dismissed. Costs are made easy."

12. The Division Bench clearly opined that the DPC irrespective of the penalty imposed can adjudge the suitability of the incumbent for promotion and that the consideration itself cannot be denied.

13. Consequently, in view of the law laid down in the case of Ashok Singhvi (Supra), the writ petition filed by the petitioner is allowed. The order impugned dated 13.12.2024 (Annex.6) is quashed and set aside. The respondents are directed to consider the case of the petitioner for promotion for the year 2022-23. In case the DPC has been held and promotions accorded, a review DPC shall be held and the case of the petitioner shall be considered by the DPC

in light of the judgment in the case of Ashok Singhvi (supra).





14. Needful may be done by the respondents within a period of six weeks.

(FARJAND ALI),J

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