



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



(1). S.B. Civil Writ Petition No. 7936/2018

1. Arun Kumar Agarwal S/o Shri Vishwanath Agarwal, Teacher Grade - II, Geeta Devi Bagdi Government Girls Higher Secondary School Napasar, Bikaner.
2. Ajay Kumar Singh S/o Shri Sambhu Nath Singh, Teacher Grade - II, Government Adarsh Sr. Sec. School Barsinghsar, Bikaner.
3. Gaurishankar Sharma S/o Shri Lunaram Sharma, Teacher Grade - II, Government Adarsh Hr. Sec. School Ambasar, Bikaner.
4. Mohan Ram Kaswan S/o Shri Raghunath Ram, Teacher Grade - II, Government Senior Secondary School Runia Bada Bas, Bikaner.
5. Lokesh Khokhar S/o Shri Harpal Singh, Teacher Grade - II, Government Adarsh Sr. Sec. School Kotdi, Kolayat, Bikaner.
6. Rakesh Arora S/o Shri Rajkumar Arora, Teacher Grade - II, Government Adarsh Sr. Sec. School Katariyasar, Bikaner.

----Petitioners

Versus

1. State Of Rajasthan Through The Joint Secretary Group -2, Secondary Education, Secretariat, Jaipur.
2. Director, Secondary Education, Government Of Rajasthan, Bikaner.
3. Deputy Director, Secondary Education, Bikaner Division Bikaner
4. Deputy Director, Secondary Education, Churu Division Churu.
5. District Education Secondary Education, Bikaner.

----Respondents

Connected With

(2). S.B. Civil Writ Petition No. 14151/2016

1. Om Prakash S/o Radha Kishan, R/o Working As Senior Teacher Hindumal Kot, District-Sriganganagar
2. Vijay Makkad S/o Kalwant Rai Makkad, R/o Working As



Senior Teacher, Govt. Sr. Sec. School, Kaminupur,
Srikaranpur District-Sriganganagar

3. Ratan Lal S/o Hanuman Prasad, R/o Working As Senior Teacher, Govt.. Sr. Sec. School, No.1 District-Sri Ganganagar
4. Inderjeet Katariya S/o Vajir Chand Katariya, R/o Working As Senior Teacher, Govt. Sec School, Khankha District-Sriganganagar

----Petitioners

Versus

1. State Of Rajasthan Through The Joint Secretary Group-2, Secondary Education, Secretariat Jaipur
2. Principal Secretary, Department Of Secondary Education, Government Of Rajasthan, Jaipur
3. Director, Secondary Education, Government Of Rajasthan, Bikaner
4. Deputy Director, Secondary Education, Bikaner Division Bikaner
5. Deputy Director Secondary Education, Churu Division Churu

----Respondents

(3). S.B. Civil Writ Petition No. 14670/2016

1. Mani Ram Swami S/o Purnchand, R/o At Present Working As Senior Teacher Government Secondary School, Khchwana, Tehsil- Bhadra, Hanumangarh
2. Rajaram S/o Mani Ram, R/o At Present Working As Senior Teacher Govt. Sec. School, Bhadi Tehsil Bhadra Hanumangarh
3. Chetram Meena S/o Sh Karan Singh Meena, R/o Govt. Sr. Sec School, Malasar, Rawatsar, District Hanumangarh
4. Ramnath Meena S/o Panchu Ram Meena, R/o Govt. Sr. Sec. School, Madhunagar, Rawatsar, District-Hanumangarh

----Petitioners

Versus

1. State Of Rajasthan Through The Joint Secretary Group-2, Secondary Education, Secretariat, Jaipur



2. Principal Secretary, Department Of Secondary Education, Government Of Rajasthan, Jaipur
3. Director, Secondary Education, Government Of Rajasthan, Bikaner
4. Deputy Director, Secondary Education, Bikaner Division, Bikaner
5. Deputy Director, Secondary Education, Churu Division, Churu
6. The Headmaster, Government Secondary School, Khchwana, Tehsil Bhadra, Hanumangarh
7. The Headmaster, Govt. Sec. School, Bhadi Tehsil- Bhadra Hanumangarh
8. The Principal, Govt. Sr. Sec. School, Malasar, Rawatsar, District- Hanumangarh
9. The Principal, Govt. Sr. Sec. School, Madhunagar, Rawatsar, District- Hanumangarh

----Respondents

(4). S.B. Civil Writ Petition No. 16629/2017

Ramesh S/o Mool Chand, R/o At Present Working As Senior Teacher Sanskrit Government Senior Secondary School, Daniyasar, Rawatsar, Hanumangarh.

----Petitioner

Versus

1. State Of Rajasthan Through The Joint Secretar Group- 2, Secondary Education, Secretariat, Jaipur.
2. Principal Secretary, Department Of Secondary Education, Government Of Rajasthan, Jaipur.
3. Director, Secondary Education, Government Of Rajasthan, Bikaner.
4. Deputy Director, Secondary Education, Bikaner Division Bikaner.
5. Deputy Director., Secondary Education, Churu Division Churu.

----Respondents



For Petitioner(s) : Mr. Awar Dan Ujjwal
For Respondent(s) : Mr. NK Mehta

JUSTICE DINESH MEHTA

Order

03/01/2025

1. All these writ petitions involve common question of facts and law, therefore, same are being decided by this common order; however, for the sake of convenience, facts of S.B. Civil Writ Petition No.7936/2018 are taken into consideration.
2. The petitioners were appointed on the post of Teacher Grade -III by the respondents after following the due process. On 17.12.2014, the petitioners were promoted to the post of Teacher Grade-II and were asked to join their respective duties at the promotional places.
3. Much after the petitioners joined as Teacher Grade-II, by way of order dated 18.04.2016, the respondents reverted them to the post of Teacher Grade-III.
4. The basic plank for which these petitions have been preferred is, that the respondents had not provided any opportunity of hearing to the petitioners, while passing the order dated 18.04.2016, and reverting them from the promoted post.
5. Mr. Ujjwal, learned counsel for the petitioners argued that impugned order suffers from vice of non-observance of principles of natural justice and therefore, the same deserves to be quashed on this solitary ground.



6. Mr. Mehta, learned counsel appearing for the State on the other hand submitted that the order impugned has been passed consequent to review DPC, which was convened by the State.

7. He argued that when it was found that persons senior to the petitioners were not accorded promotion, the review DPC was convened and recommended that those persons be accorded promotion. And it was due to promotion of those left out persons, promotion granted to the petitioners have been revoked.

8. While arguing that the petitioners have not challenged the fact that the persons who have now been promoted in place of them, were in any manner ineligible or not senior to them; learned counsel argued that the petitioners have no case worth indulgence.

9. Heard learned counsel for the parties and perused the record.

10. Admittedly, the order impugned dated 18.04.2016 came to be passed pursuant to review DPC that was convened by the respondent-State. The fact that the persons who have been granted promotion pursuant to review DPC are/were senior to the petitioners is not disputed. Such being the factual backdrop, the observance of principles of natural justice, even if made, would have been an empty formality.

11. The petitioners reversion is a natural concomitant of grant of promotion to the persons senior to them, which has been done in review DPC.

12. It is a settled position of law that non-observance of principles of natural justice per-se does not vitiate the administrative orders unless the petitioners are able to



demonstrate to the Court that non-observance of principles of natural justice has led to miscarriage of justice and the petitioner held a plausible defence.

13. The Court has given post decisional hearing and nothing wrong could be pointed out. The challenge to the order impugned simply on the basis of non-adherence to the principles of natural justice is untenable in the present factual matrix.

14. This Court does not find any error or illegality in the order impugned. All these writ petitions, therefore, fail.

15. It is therefore, ordered that since the petitioners have been asked to join the promotional posts on the basis of validly passed orders, the respondent-State shall not initiate any recovery proceedings against the petitioners for the purported erroneous promotion that has been granted to them.

(DINESH MEHTA),J

153-raksha/-