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In the High Court of Judicature for Rajasthan
Jaipur Bench, Jaipur

ORDER

S.B. Civil Writ Petition No.12126/2010
Babu Lal Prajapat & Anr. Vs. State of Raj. & Ors.

Date of Order :: 30/08/2010

Hon'ble Mr. Justice Ajay Rastogi

Mr. Babu Lal Prajapat, one of petitioner in person.

One of the petitioner appeared in person and submits that as alleged in the writ petition he had worked as Vidhyarthi Mitra from 5.12.07 to 29.2.08 and a document to this effect has been placed on record as Annx.1 Petitioner submits that after the policy of rationalization and equalization was introduced by the State Government, he has been displaced despite the vacancies were available for the academic session 2010-11; he too is entitled to be considered for reemployment in the light of the judgment passed by the Main Seat at Jodhpur in S.B. CWP-8966/2009 (Pahalad Kumar Sharma Vs. State of Rajasthan & Ors) 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

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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

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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.

In the judgment, referred to supra, it has been observed while disposing of the writ petitions to consider such Vidhyarthi Mitras for re-employment for the academic session 2010-11, who had worked during academic session 2008-09 or prior

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thereto provided the vacancies are available in the State Government for the academic session 2010-11.

Taking note of para 8 of the judgment referred to supra, the petitioner may file fresh representation before the authorities and if vacancies are available in the State Government for the academic session 2010-11, the candidature of the petitioner who at one time had worked as alleged in the petition for the academic session 2008-09 may be considered for re-employment for the academic session 2010-11. If such representation is made, it is expected from the authorities to decide the same by passing a speaking order within two months thereafter. Decision may also be communicated to the petitioner who if still feels aggrieved will be at liberty avail remedy under law.

With these directions/observations, the writ petition stands disposed off.

(Ajay Rastogi), J.