IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JAIPUR BENCH

[1] S.B. Civil Writ Petition No.2989/2013
Ramniwas Nimoria & Anr.
Versus
State of Rajasthan & Ors.

[2] S.B. Civil Writ Petition No.1560/2009
Rangpal Singh
Versus
The Commissioner, Elementary Education & Ors.

[3] S.B. Civil Writ Petition No.3239/2009
Beer Singh
Versus
The Commissioner, Elementary Education & Ors.

[4] S.B. Civil Writ Petition No.9258/2009
Smt. Aruna & Ors.
Versus
State of Rajasthan & Ors.

[5] S.B. Civil Writ Petition No.9259/2009
Smt. Vimla Devi & Ors.
Versus
State of Rajasthan & Ors.

[6] S.B. Civil Writ Petition No.9472/2009
Sitaram & Anr.
Versus
State of Rajasthan & Ors.

[7] S.B. Civil Writ Petition No.11312/2009
Chandgi Ram
Versus
State of Rajasthan & Ors.

[8] S.B. Civil Writ Petition No.11372/2009
Jagat Singh
Versus
State of Rajasthan & Ors.

[9] S.B. Civil Writ Petition No.11492/2009
Lalchand & Ors.
Versus
State of Rajasthan & Ors.

[10] S.B. Civil Writ Petition No.11495/2009
Ramchandra Kirad
Versus
The Director, Elementary Education & Ors.

[11] S.B. Civil Writ Petition No.11520/2009
Shish Ram Gehlot
Versus
The Director, Elementary Education & Ors.

[12] S.B. Civil Writ Petition No.11950/2009
Rohitashwa Singh & Ors.
Versus
The Director, Elementary Education & Ors.

[13] S.B. Civil Writ Petition No.11957/2009
Indraj Singh & Anr.
Versus
The Director, Elementary Education & Ors.

[14] S.B. Civil Writ Petition No.13478/2011
Babu Lal
Versus
The State of Rajasthan & Ors.

[15] S.B. Civil Writ Petition No.14823/2011
Sahi Ram & Anr.
Versus
The State of Rajasthan & Ors.

[16] S.B. Civil Writ Petition No.14832/2011
Jagdish Prasad & Ors.
Versus
The State of Rajasthan & Ors.

[17] S.B. Civil Writ Petition No.14909/2011
Hanuman & Ors.
Versus
The State of Rajasthan & Ors.

[18] S.B. Civil Writ Petition No.16239/2011
Gheesa Ram & Ors.
Versus
The State of Rajasthan & Ors.

[19] S.B. Civil Writ Petition No.3252/2012
Ramavtar Yadav
Versus
The State of Rajasthan & Ors.

[20] S.B. Civil Writ Petition No.9637/2012
Sharwan Kumar & Anr.
Versus
The State of Rajasthan & Ors.

[21] S.B. Civil Writ Petition No.11646/2012
Mohan Lal Tailor
Versus
The State of Rajasthan & Ors.

[22] S.B. Civil Writ Petition No.14216/2012
Goda Ram Saini
Versus
The State of Rajasthan & Ors.

[23] S.B. Civil Writ Petition No.2843/2013
Madan Lal & Ors.
Versus
The State of Rajasthan & Ors.

[24] S.B. Civil Writ Petition No.2847/2013
Sheodan Ram Saini & Ors.
Versus
The State of Rajasthan & Ors.

[25] S.B. Civil Writ Petition No.2993/2013
Shishram Jangir & Ors.
Versus
The State of Rajasthan & Ors.

[26] S.B. Civil Writ Petition No.2994/2013
Surja Ram & Anr.
Versus
The State of Rajasthan & Ors.

[27] S.B. Civil Writ Petition No.3644/2013
Deep Chand & Anr.
Versus
The State of Rajasthan & Ors.

[28] S.B. Civil Writ Petition No.3646/2013
Sube Singh & Anr.
Versus
The State of Rajasthan & Ors.

DATE OF ORDER : 30/03/2013

HON'BLE MR. JUSTICE M.N. BHANDARI

Mr. Mahendra Singh Gurjar, for petitioners
Ms. Priyanka Pareek, Dy. Govt. Counsel, for respondents

***

With the consent of the parties, all the writ petitions have been heard finally.

The petitioners are aggrieved by the denial of selection scale by counting their length of service from the initial date of appointment. This is more so when their services were regularized from the initial date of appointment. The respondents are counting length of service from the date of order of regularization of the services. Accordingly, action of the respondents for denial of selection scale by counting length of service from the date of initial appointment becomes illegal.

Learned counsel for respondents, on the other hand, submits that order for regularizing services of the petitioners was passed by an incompetent authority, thus benefit of selection scale has been counted from the date of order treating them to be regular. Accordingly, there is no illegality in their action.

I have considered the submissions made by learned counsel for parties and perused the record.

On perusal of the record, I find that petitioners' initial appointment is in the year 1981, 1985, 1986, 1987 & 1988 respectively and thereafter, their services were regularized from the initial date of appointment. In the background aforesaid, respondents cannot deny benefit of service from the date it is regularized.

The only argument is that the order has been passed by the incompetent authority but the respondents could not show its withdrawal or cancellation by the competent authority.

In the background aforesaid, date of regularization of petitioners' service is from the date of their initial appointment itself.

In view of the discussion made above, petitioners are held entitled to selection scale by counting their length of service from the date of their initial appointment. It is accordingly ordered. Consequential benefits for selection scale

may accordingly be calculated and be granted within a period of three months.

All the writ petitions are accordingly allowed with the aforesaid. Second stay application stands disposed of.

[M.N.BHANDARI], J.

FRBOHRA/2989CWP2013.doc

Certificate:

"All corrections made in the judgment/order have been incorporated in the judgment/order being emailed."

FATEH RAJ BOHRA, P.A.