

**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**

S.B. Civil Writ Petition No. 13658/2019

Smt. Asha Jasaiwal @ Asha Kumari Sain D/o Sh. Ramesh Chand Sain, W/o Sh. Ashok Kumar Jasaiwal, Aged About 43 Years, R/o 610/48, Indira Colony, Meershah Ali, Ajmer (Raj.)

----Petitioner

Versus

1. State Of Rajasthan, Through Its Principal Secretary, Education, Govt. Secretariat, Jaipur (Rajasthan).
2. The Secretary, Secondary Education, Govt. Secretariat, Jaipur (Rajasthan).
3. Director, Secondary Education, Rajasthan, Bikaner (Rajasthan).
4. District Education Officer, Secondary Education, Ajmer (Rajasthan).

----Respondents

For Petitioner(s)

Mr. Anoop Pareek

For Respondent(s)

HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA

Order

31/10/2019

The petitioner by way of this writ petition prays for granting notional pay fixation and seniority from the date of appointment of other persons selected through the same process.

This Court noted that the petitioner was called for counseling for the post of School Lecturer and joined on the post of School Lecturer on 24.07.2018 on the basis of appointment order dated 20.07.2018.

It is submitted that the other candidates had been earlier given appointment vide order dated 24.06.2017, whereafter, the matter travelled up to Supreme Court and the Supreme Court directed to

make appointment of eligible candidates against vacant posts. On that basis, the petitioner was appointed. It is not the case of the petitioner that these candidates who were appointed in 2017 were lower in merit to her. Thus, if she has given subsequent appointment no right can be claimed prior to the date of her appointment. Therefore, the writ petition claiming for notional pay fixation from the date anterior to the date of joining, is not made out and the same is liable to be rejected.

Writ petition for claiming seniority is also found to be only misconceived as there is no seniority list published by the Department and therefore, there is no cause of action which has arose on date.

The writ petition is fully frivolous which is accordingly dismissed.

(SANDEEV PRAKASH SHARMA),

Manish Sharma /85

हरयाम राय