

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

S.B. Civil Writ Petition No. 6742/1997

Het Ram Gupta S/o Shri Dwarka Lal Gupta, Aged About 30 Years, Resident of Care of M/s Agarwal Brothers, A-57, Nai Mandi, Gangapur City, District Sawaimadhopur, Rajasthan.

----Petitioner

Versus

1. The State of Rajasthan through Chief Secretary, Secretariat, Govt. of Rajasthan, Jaipur.
2. District Education Officer (Boys), Distt. Karauli.
3. Director Primary and Secondary Education, Rajasthan, Bikaner.

----Respondent

Connected With

S.B. Civil Writ Petition No. 6036/1997

1. Santosh Kumar Sharma Son of Shri Surajmal Sharma, Aged about 30 Years, Resident of C/o Jagdish Prasad Advocate, Vaidya Colony, Gangapurcity, District Sawai Madhopur.
2. Girdhari Lal Gupta Son of Shri Ramswaroop Goyal, Aged About 29 Years, Resident of C/o Goyal Readymade Store, Shop No. 1, Naya Bazar, Gangapur City, District Sawai Madhopur.
3. Vimal Kumar Singhal Son of Shri Brij Mohan Agrawal, Aged about 33 Years, Resident of Mukam Post Narauli Dang, District Karauli.
4. Bhagwan Sahai Gupta S/o Shri Durga Prasad Gupta, Aged about 30 Years, Resident of Shyaroli, Tehsil Gangapur City, District Sawai Madhopur.
5. Hari Om Gupta Son of Shri Bajrang Lal Gupta, Aged about 34 Years, Resident of Mukam Post Narauli Dang, District Karauli.
6. Jitendra Kumar Jain Son of Shri Rewati Prasad Jain, Aged about 26 Years, Resident of New Colony, Near Bus Stand, Gangapur City, Sawaimadhopur.
7. Narsi Ram Yogi Son of Shri Sheoji Lal, Aged about 33 Years, Resident of Village Khedli, Post Tesgaon, Tehsil Nadoti, District Karauli.
8. Wali-Ur-Rahman Son of Shri Latifulhasan, Aged about 33 Years, Resident of Chatikala Bazar, Near Saiyadon Ki Masjid, Karauli.

9. Himmat Singh Jat Son of Shri Prabhati Lal, Aged about 30 years, Resident of Village and Post Vazirpur, District Karauli.
10. Narendra Kumar Sharma S/o Shri Kedar Lal Sharma, Aged about 33 Years, Resident of Village and Post Seva, Tehsil Gangapur City, District Sawaimadhopur.
11. Suresh Chand Sharma Son of Shri Shyam Lal Sharma, Aged about 31 Years, Resident of Village and Post Berada, Via Piplai, Tehsil Bamanwas, Sawaimadhopur.
12. Roopan Singh Jat S/o Shri Parsadi Jat, Aged about 33 Years, Resident of Village and post Kusam, Tehsil Gangapur City, Sawaimadhopur, Home, Adarsh Nagar, Jaipur.
13. Shyam Sunder S/o Sh. Fateh Ram, Aged about 37 Years, Resident of New Colony, state ware house road, Bazriya, Sawaimadhopur (Raj.)
14. Radha Raman Sharma Son of Shri Ram Charan Sharma, aged about 32 years, Resident of Village Pahor, Post Bijalpur, Tehsil Karauli.

----Petitioner

Versus

1. The State of Rajasthan, through the Secretary, Education Department, Secretariat, Jaipur.
2. District Education Officer (Boys), Education Department, Karauli.

----Respondent

S.B. Civil Writ Petition No. 6049/1997

1. Lata Mishra Daughter of Shri K.L. Mishra, Aged 31 Years, Resident of Nayak Padi, Bhikam Sayed, Alwar.
2. Smt. Rajni Rani wife of Shri Kamlesh Kumar Awasthi, 242, Basant Vihar, Alwar.
3. Smt. Manju Lata Jaiswal wife of Shri C.P. Jaiswal, Daud Pur Colony, Alwar.

----Petitioner

Versus

1. State of Rajasthan through Secretary, Education Department, Secretariat, Jaipur.
2. The Director, Primary & Secondary Education, Rajasthan, Bikaner.
3. The District Education Officer (Boys), Alwar.

----Respondent

S.B. Civil Writ Petition No. 6050/1997

1. Sunil Dutt Yadav Son of Shri Sunderpal Yadav, Aged 31 Years, Resident of Kala Kua Housing Board, Alwar.
2. Kamlesh Kumar Awasthi Son of Jagdish Prasad Sharma, Aged 32 years, Resident of 242, Basant Bahar, Alwar.
3. Deepak Kumar Mishra Son of Shri Nathulal Mishra, age about 34 Years, Resident of Halwai Pada, Alwar.
4. Surender Mohan Sharma Son of Shri Mathura Prasad Sharma, Resident of 41, Vikas Path, Alwar.
5. Brijesh Kumar Vyas Son of Shri Purshotam Sharma, Resident of 54, Scheme no. 8, Alwar.

----Petitioner

Versus

1. State of Rajasthan through Secretary, Education Department, Secretariat, Jaipur.
2. The Director, Primary & Secondary Education, Rajasthan, Bikaner.
3. The District Education Officer (Boys), Alwar.

----Respondent

S.B. Civil Writ Petition No. 6062/1997

Mohan Lal Gupta Son of Shri Ramkishore Gupta, Aged about 34 Years, Resident of Peepal Wali Gali, Mahaveer Marg, Alwar.

----Petitioner

Versus

1. State of Rajasthan through Secretary, Education Department, Secretariat, Jaipur.
2. The Director, Primary & Secondary Education, Rajasthan, Bikaner.
3. The District Education Officer (Boys), Alwar.

----Respondent

S.B. Civil Writ Petition No. 6066/1997

1. Anoop Mathur Son of Shri Shyam Narain Mathur, Aged about 29 Years, Resident of 2/7, Housing Board, Sikar.
2. Mahavir Prasad Son of Shri Jaggu Ram Balan, aged about 31 Years, Resident of Ratangarh Road, Ward No. 6, Fatehpur (Sikar).
3. Mahendra Singh Shekhawat Son of Shri Seb Singh, 28 years, Resident of Village Sekisar, Fatehpur Shekhawati, District Sikar.



4. Nisar Ahmed Son of Shri Bashir Ahmed, Aged about 32 Years, Resident of Near Islamia Higher Secondary School, Sikar.
 5. Shyam Lal Son of Shri Sukhdev, Aged about 30 years, Resident of Village Kishanpura, Post Shishyun, District Sikar.
 6. Nemi Chand Kumawat Son of Shri Jesa Ram Kumawat, aged about 25 Years, Resident of Village and post Tarpura, Via Katarathal, District Sikar.

----Petitioner

Versus

1. The State of Rajasthan through the Secretary, Education Department, Secretariat, Jaipur.
2. District Education Officer (Boys), Education Department, Sikar.

----Respondent

S.B. Civil Writ Petition No. 6067/1997

1. Giriraj Prasad Jangid S/o Shri Shiv Prasad Jangid, Aged about 29 Years, Resident of Village and Post Office Manpur Tehsil Sikrai, District Dausa.
2. Mohan Lal Gupta S/o Shri Ram Swaroop Gupta, aged about 29 Years, Resident of Village and Post Office Bhandar via Sikandera, District Dausa.
3. Rajesh Kumar Mittal S/o Shri Ramavtar Gupta, aged about 26 Years, Resident of Village and Post office Geejgarh, District Dausa.

----Petitioner

Versus

1. State of Rajasthan through the Secretary to the Government, Education Department, Rajasthan, Jaipur.
2. The District Education Officer (Boys), Dausa.

----Respondent

S.B. Civil Writ Petition No. 6093/1997

1. Lalit Kumar Son of Shri Surja Ramji, aged about 32 years, Resident of Ward No. 10, Sanjay Chowk, Post & Tehsil Bhadra, District Hanumangarh.
2. Ashok Kumar Swami Son of Shri Om Prakash Swami, aged about 34 Years, Resident of Ward No. 15, Near Sabji Mandi, Tehsil Bhadra, District Hanumangarh.
3. Dharamvir Mund Son of Shri Hetram Mund, aged about 34

years, Resident of Village & Post Dholipal, Tehsil & District Hanumangarh.

4. Ratan Kumar Son of Shri Rajendra Kumar, aged about 33 years, resident of Sharma Pan Bhandar, Murti Chowk, Tehsil Bhadra, District Hanumangarh.
5. Manoj Kumar katariya son of Shri Hansram Kataria, aged about 28 years, Resident of Village Anup Shahar, Tehsil Bhadra, District Hanumangarh.
6. Jagdish Poonia Son of Shri Mallu Ram Punia, aged about 34 years, Resident of Village Sardarpura, Tehsil Rawatsar, District Hanumangarh.
7. Dharamvir Godara aged about 32 years, Resident of Village Dhilki Jatan, Tehsil Nohar, District Hanumangarh.
8. Bhaniram aged about 30 years, Resident of Govt. Secondary School, Dulmala, Tehsil Pilibanga, District Hanumangarh.
9. Mahaveer Singh Sihag aged about 33 years, resident of Govt. Secondary School, Malsisar, Tehsil Bhadra, District Hanumangarh.

----Petitioner

Versus

1. The State of Rajasthan through the Secretary, Education Department, Secretariat, Jaipur.
2. District Education Officer (Boys), Education Department, Hanumangarh.

----Respondent

S.B. Civil Writ Petition No. 6108/1997

Kailash Chand Saini Son of Shri Raghunath Sahai Saini, aged about 33 years, resident of Village Aamkiwal, Tehsil Rajgarh, District Alwar.

----Petitioner

Versus

1. State of Rajasthan through Secretary, Education Department, Secretariat, Jaipur.
2. The Director, Primary & Secondary Education, Rajasthan, Bikaner.
3. The District Education Officer (Boys), Alwar.

----Respondent

S.B. Civil Writ Petition No. 6420/1997

Smt. Savitri Devi Agrawal wife of Shri Suresh Chand Garg, aged 31 Years, C/o Shri Chand Mal Soni, Village & post – Kathumar, Alwar.

----Petitioner

Versus

1. State of Rajasthan through Secretary, Education Department, Secretariat, Jaipur.
2. The Director, Primary & Secondary Education, Rajasthan, Bikaner.
3. The District Education Officer (Boys), Alwar.

----Respondent

S.B. Civil Writ Petition No. 6698/1997

1. Naina Ram Choudhary S/o Sh. Mangi Lal, aged 33 yrs, R/o Village & Post – Umaidabad, Distt. Jalore, At present working as a Lab. Asstt. Gr. III in Govt. Sr. Secondary School, Umaidabad Distt. Jalore.
2. Surendra Singh S/o Sh. Magan Singh, aged 32 yrs, R/o Hanuman Gali, Rajendra Nagar, Jalore, At present working as a Lab. Asstt. Gr. III in Govt. Sr. Secondary School, Lalpole Distt. Jalore.
3. Ashok Kumar Gupta S/o Kanchi Ram Gupta, aged 35 yrs., R/o Hanuman Gali, Rajendra Nagar, Jalore, At present working as a Lab. Asstt. Gr. III in Govt. Secondary School, Pewabas, Distt. Jalore.
4. Ashok Lal Mathur S/o Sh. Shankar Lal, aged 35 Yrs, R/o Shivaji Nagar, Jalore, At present working as a Lab. Asstt. Gr. III in Govt. Sr. Secondary School, Badanwadi, Distt. Jalore.
5. Sona Ram Bajak S/o Sh. Kanga Ram Bajak, aged 28 yrs., R/o Village & Post – Dayal Pura, Teh – Ahor, Distt. Jalore, At present working as a Lab. Asstt. Gr. III in Govt. Secondary School, Raiypuria, Distt. Jalore.
6. Rajesh Vyas S/o Sh. Narayan Das, Aged 32 Yrs, R/o Oil Traders, Hospital Road, Jalore, At present working as a Lab. Asstt. Gr. III in Govt. Sr. Secondary School, Jalor City, Jalore.

----Petitioner

Versus

1. State of Rajasthan through the Chief Secretary, Govt. of Rajasthan, Jaipur.
2. The Special Secretary to the Govt. General Administrative

Department, Secretariat, Jaipur.

3. The Secretary, Education Department, Rajasthan, Jaipur.
4. The Director, Primary & Secondary Education Department, Rajasthan, Bikaner.
5. The District Education Officer, (Boys), Jalore.

----Respondent

For Petitioner(s) : None

For Respondent(s) : None

HON'BLE MR. JUSTICE ANOOP KUMAR DHAND

Order

28/02/2023

Hon'ble Apex Court in the case of **Ex-Capt. Harish Uppal vs Union Of India & Anr., reported in 2003 (2) SCC 45** has held that the Court is under an obligation to hear and decide the cases brought before it and it cannot shirk that obligation only because the lawyers have decided to abstain from the judicial work.

These petitions are pending before this Court since 1997 i.e. last more than 25 years. Looking to the controversy involved in this case, this Court thought it proper to peruse the file and decide the matter on merits.

Since a common question of law and fact is involved in all these petitions, hence all petitions are decided by this common order.

For deciding the controversy in these petitions, the facts mentioned in S.B. Civil Writ Petition No. 6742/1997 are taken into consideration.

As per the contents of this petition, the petitioner was serving as Lab Assistant in the pay scale of Grade-III since 1992 but thereafter, he was declared surplus and was ordered to absorb as Teacher Grade-III in the Education Department.

It appears that vide order dated 10.10.1997 a decision was taken by the State respondents to declare the post of Lab Assistant as Surplus and all persons who were working on the said post were ordered to be absorbed on the post of Teacher Grade-III in the same pay scale.

Feeling aggrieved and dissatisfied by the aforesaid order, instant petition has been filed by the petitioner with the following prayer.

"It is, therefore, prayed that this Hon'ble Court will be pleased to accept this writ petition and further be pleased to issue a writ, order or direction to the following effects.

I. to direct the respondent State to not to declare the petitioner as surplus on the post of Lab. Assistant.

II. To direct the respondent that if the petitioner is declared surplus then he should be adjusted absorbed and appointed as Jr. Engineer (Civil) or surveyor or Draftsman in the Department of PWD and Irrigation or any else in the State of Rajasthan.

III. To pass any other order which is just and proper and in the favour of the petitioner. The writ petition be allowed."

Perusal of the file indicates that no interim order was passed by this Court and these petitions were submitted against the impugned order almost 25 years back. It appears that by efflux of

time, these petitions have become infructuous and the relief sought in these petitions cannot be granted to the petitioners after passing of more than 25 years.

In view of the factual aspect of the matters, these petitions are rendered as infructuous, hence the same are dismissed as having become infructuous.

Stay applications and all pending application(s), if any also stand dismissed.

Before parting with this order, liberty is granted to the petitioners to move an application for revival of the petition(s) in case, any grievance still survives/subsists.

A copy of this order be placed in each of the connected matters.

(ANOOP KUMAR DHAND),J

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