



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

S.B. Civil Writ Petition No. 1493/2024

Satyaveer Singh S/o Meghraj Singh, Aged About 68 Years, R/o
57 D, Raghuveer Nagar, Shikargarh, Jodhpur (Raj.).

----Petitioner

Versus

1. The State Of Rajasthan, Through The Secretary,
Department Of Secondary Education, Secretariat, Govt.
Of Rajasthan, Jaipur.
2. The Director, Secondary Education, Rajasthan, Bikaner.
3. The District Education Officer, Headquarter, Secondary
Education, Jalore, District Jalore.
4. The Principal, Government Senior Secondary School
Sayla, Jalore.

----Respondents

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| For Petitioner(s) | : | Mr. J.S.Bhaleria. |
| For Respondent(s) | : | Mr. N.K.Mehta, Deputy Government Counsel. |

HON'BLE MR. JUSTICE VINIT KUMAR MATHUR

Order

21/04/2025

Heard.

The present writ petition has been filed for the following
reliefs:-

- “(i) That the respondents may kindly be directed to give selection grade/ACP to the petitioner on completion of 9, 18 and 27 years of service as per circular Annexure-P/8 from the date of his initial appointment in the regular service with all consequential benefits including the arrears of the same also.
- (ii) That the respondents may kindly be further directed to revise his pension also after granting the selection grade/ACP to him from date of his retirement with arrears of the same also”.

Learned counsel for the petitioner submits that the petitioner
was working in the respondent department and he superannuated



from the post of Junior Agriculture Teacher, however, before the date of his superannuation, the petitioner faced disciplinary proceedings which ultimately culminated into order of punishment dated 18.05.2022 whereby his pension to the extent of 10% was deducted for a period of ten years. Learned counsel submits that while the petitioner was serving the respondent department, he was entitled for grant of selection scale, however, the same has been denied to him only on the ground that the application form (Annex.R/2) filled in by the petitioner for grant of selection scale was not signed by him. It is contended that the particulars filled in the application form were correct and the same were submitted none other than the petitioner. He further submits that the application form filled by the petitioner was also forwarded by the competent authority with recommendation for granting him selection scale. He, therefore, prays that the writ petition filed by the petitioner may be allowed and the respondents may be directed to grant selection scale to the petitioner.

Per contra, learned counsel for the respondents submits that since the petitioner was awarded punishment vide order dated 18.05.2022, therefore, he is not entitled for grant of selection scale, however, he very fairly submits that on that count, the petitioner cannot be visited with penalty of not granting selection scale to the petitioner.

I have considered the submissions made at the bar and gone through the relevant record of the case.

Admittedly, the petitioner has served the respondent department and superannuated from the post of Lecturer. Prior to that, the petitioner was entitled for grant of selection scale for



which an appropriate application form was filled in and submitted by the petitioner. Merely because, non-affixing his signatures on the application form cannot be a ground to deny benefit of grant of selection scale to the petitioner, if the details filled in the application form are correct and the petitioner is otherwise eligible for grant of selection scale. Since, learned counsel for the respondents has failed to point out any ineligibility in grant of selection scale to the petitioner, this court is of the view that not affixing signatures by the petitioner on his application form for grant of selection scale cannot be the reason to deny selection scale to the petitioner. In the opinion of this court, the punishment awarded to the petitioner also cannot be ground to deny selection scale to the petitioner when it became due as there was disciplinary proceedings pending against him at that relevant time.

In view of the discussion made above, the writ petition filed by the petitioner is allowed. The respondents are directed to grant selection scale to the petitioner from the date it actually became due. The order shall be complied with by the respondents within a period of six weeks from the date of receipt of certified copy of this order.

(VINIT KUMAR MATHUR),J

151-Anil Singh/-