



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

S.B. Civil Writ Petition No. 4298/2025

Sharvan Choudhary S/o Shri Surja Ram Choudhary, Aged About
30 Years, R/o 55, Kadwasaro Ka Mohalla, Badliya Jodhpur,
Rajasthan-342001.

-----Petitioner

Versus

1. State Of Rajasthan, Through Principal Secretary,
Secondary Education, Government Secretariat Rajasthan
Jaipur-342005.
2. Director, Secondary Education Samta Nagar, Bikaner
334001
3. District Education Officer, Balotra Rajasthan.
4. Rajasthan Staff Selection Board, Through Registrar, State
Institute Of Agriculture Management Premises, Shreeji
Nagar, Prithviraj Colony, Durgapura Jaipur-302018

-----Respondents

For Petitioner(s)	:	Mr. R. N. Mathur, Sr. Advocate assisted by Mr. Abhay Singh Rathore Mr. Lokesh Mathur, Mr. Suresh Khadav Mr. Hemant Singh
For Respondent(s)	:	Mr. N. K. Mehta, Dy.GC Mr. Manish Patel

HON'BLE MR. JUSTICE VINIT KUMAR MATHUR

Order

Reportable

08/05/2025

1. Heard learned counsel for the parties.
2. The present writ petition has been filed against the order
dated 15.01.2025, whereby, the services of the petitioner has
been terminated.
3. Briefly the facts noted in the present writ petition are that
the Rajasthan Staff Selection Board issued an Advertisement
No.8/2022 for appointment of Physical Training Instructor in the
year 2022. The petitioner being an aspirant for the post of



Physical Training Instructor, applied by way of filing an online application pursuant to the advertisement dated 16.02.2022. In the online application filed by the petitioner, the necessary details were filled-in. After successfully completion of the selection process, the petitioner was issued an appointment order dated 18.09.2023 (Annex.8).

4. In pursuance of the appointment order issued, the petitioner joined services on the post of Physical Training Instructor. While the petitioner was discharging his duties as Physical Training Instructor, he was served with a show cause notice on 24.12.2024 (Annex.9). The petitioner submitted a detailed reply to the show cause notice dated 24.12.2024, however, the respondents being dissatisfied with the reply, issued an order dated 15.01.2025, whereby, the services of the petitioner has been terminated. Hence, the present writ petition has been filed.

5. Learned Senior Counsel for the petitioner submits that the petitioner was substantively appointed on the post of Physical Training Instructor after having successfully completed the recruitment process. He further submits that the petitioner was discharging his duties diligently and to the utmost satisfaction of the respondents authorities. Despite this, a show cause notice was issued, to which, a detailed reply was filed by the petitioner. However, the respondents have terminated the services of the petitioner by passing the impugned order dated 15.01.2025.

6. Learned Senior Counsel for the petitioner submits that the procedure established for taking the appropriate action against the petitioner has not been taken as per the Rajasthan Civil Services (Classification, Control and Appeal Rules), 1958 (hereinafter



referred to as the 'Rules of 1958') and merely by issuing a show cause notice and recording dissatisfaction on the reply filed by the petitioner, the services has been terminated. He further submits that the procedure, totally unknown to the service jurisprudence has been adopted while terminating the services of the petitioner. He further submits that neither any charge-sheet has been served nor any disciplinary enquiry has been held before issuing the termination order of the petitioner. He also submits that the ground on which the services of the petitioner has been terminated is totally baseless as the petitioner was holding the requisite qualification for the post of Physical Training Instructor and to his credit he has got all the requisite documents to show that he is holding a valid degree.

7. Learned Senior Counsel also submits that all the documents submitted by the petitioner were absolutely genuine and therefore, there is no misrepresentation or forgery which has been played by the petitioner while submitting the requisite documents to the respondents for getting the employment on the post of Physical Training Instructor. He further submits that the shortcut method has been adopted by the respondents for terminating the services of the petitioner and the same is unsustainable in the eyes of law. He very fairly submits that the petitioner is ready to face any kind of enquiry as directed by the Co-ordinate Bench of this Court vide order dated 03.04.2025 passed in a bunch of writ petitions led by **S.B. Civil Writ Petition No.2328/2025 (Yashwant V/s State of Rajasthan & Ors.)** as well as any other enquiry/disciplinary enquiry which may be held by the respondents in accordance with law. He, therefore, prays that the



writ petition may be allowed and the order of termination dated 15.01.2025 may be quashed and set-aside.

8. Per contra, learned counsel for the respondents vehemently opposed the submissions made by the learned Senior Counsel for the petitioner and submits that there was discrepancies in the documents submitted by the petitioner while taking appointment on the post of Physical Training Instructor and after holding the Preliminary Enquiry, the respondents were satisfied that the petitioner has obtained the employment by playing fraud and therefore, the reply filed by him to the show cause notice was not found credible and satisfactory. Learned counsel further submits that a Committee has also been constituted in pursuant to the order passed by the Co-ordinate Bench of this Court in the case of Yashwant (supra) to look into the matter and thus, the termination order dated 15.01.2025 passed by the respondents does not call for any interference by this Court.

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

10. The undisputed facts in the present case are that the petitioner, after having participated in the recruitment process initiated by the respondents vide their advertisement dated 16.06.2022, has successfully cleared the same and was offered appointment on the post of Physical Training Instructor. In pursuance of the appointment order issued, the petitioner has joined the services and was serving the respondent-Department at the place of his posting. While the petitioner was serving the respondent-Department as Physical Training Instructor, he was served with a show cause notice, to which, he has filed a detailed



reply. The respondents being dissatisfied with the reply, has passed an order dated 15.01.2025, whereby, the services of the petitioner has been terminated.

11. It is also an undisputed fact that the petitioner was substantively appointed on the post of Physical Training Instructor in the respondent-Department. The services of the petitioner are governed by the Rajasthan Civil Services (Classification, Control and Appeal Rules), 1958 (hereinafter referred to as the 'Rules of 1958'). In these circumstances, the respondents were under an obligation to proceed against the petitioner as per the mandate of provisions as contained in the Rules of 1958.

12. In the present case, no charge-sheet/disciplinary enquiry has been initiated against the petitioner before terminating him from the services. The services of the petitioner has been terminated only on the basis of a show cause notice issued and dissatisfying from the reply filed by the petitioner. In the opinion of this Court, the procedure adopted by the respondents is not correct and without holding any enquiry, the respondents have reached to the conclusion that the appointment obtained by the petitioner is on the strength of forged documents. The matter was required to be proceeded with in accordance with the procedure prescribed under the Rules of 1958 by issuing a proper charge-sheet and holding a proper enquiry in the matter. Merely, getting the investigation done unilaterally by the respondents and finding the fact that certain documents have been fraudulently produced by the petitioner while getting the employment is not the correct approach adopted by the respondents for terminating the services of the petitioner.



13. It is further noted that in the identical circumstances, some of the candidates were issued show cause notices, against which, they preferred writ petitions and the coordinate bench of this Court vide order dated 03.4.2025 has passed an order to constitute the Committee to investigate the matter and at the same time, the services of petitioners of those writ petitions were protected by passing an interim order, whereas in the present case, the services of the petitioner has been terminated. Therefore, the petitioner stands discriminated vis-a-vis those candidates whose services have been continued during the pendency of the enquiry.

14. It is also a fact that except the infirmity shown in the show cause notice, there is no other disqualification pointed out by the respondents for terminating the services of the petitioner and therefore, the same are required to be inquired into by holding a proper disciplinary enquiry as per the Rules.

15. Taking into consideration the facts and circumstances in the present case, the order of termination in service law is like a capital punishment and, therefore, the same should be passed after holding a proper enquiry to prevent innocent person being punished.

16. In view of the discussions made above, the termination order dated 15.01.2025 is not sustainable in the eyes of law. Thus, the present writ petition merits acceptance and the same is allowed. The order dated 15.01.2025 terminating the services of the petitioner is quashed and set-aside and the respondents are directed to reinstate the petitioner in the services forthwith.



17. It is made clear that after the reinstatement of the petitioner, he shall co-operate with the ongoing enquiry which is being made by the committee constituted pursuant to the order dated 03.4.2025 passed by the co-ordinate bench of this Court. Further, it is also made clear that the respondents will be free to take appropriate disciplinary action against the petitioner in accordance with law, if the respondents found that the appointment obtained by the petitioner is on the basis of incorrect, forged or manipulated documents.

(VINIT KUMAR MATHUR),J

279-Sunils/Shahenshah/-