



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

S.B. Civil Writ Petition No. 1081/2026

Ramesh Chandra Dama S/o Ishu Dama, Aged About 33 Years, R/o Village Damasath Post Dungara Bada, Sajjangarh, Banswara, Rajasthan.

-----Petitioner

Versus

1. The State Of Rajasthan, Through The Secretary, Department Of Primary Education, Rajasthan, Jaipur.
2. The Director Of Primary Education, Rajasthan, Bikaner.
3. The District Education Officer (Headquarter), Banswara.
4. The Block Development Officer, Panchayat Samiti, Kushalgarh, District- Banswara, Rajasthan.

-----Respondents

For Petitioner(s) : Ms. Dolly Jaiswal

For Respondent(s) : Mr. Kamlesh Sharma

HON'BLE DR. JUSTICE NUPUR BHATI

Order

02/02/2026

1. The instant writ petition has been filed by the petitioner with the following reliefs:-

- “1. The Impugned Order dated 13.01.2025 (Anx-6) may kindly be quashed and set aside.
2. The respondents may kindly be directed to permit the petitioner to join the services with all consequential benefits.
3. Cost of litigation and damages may also be allowed in favour of the petitioner.
4. Any other appropriate writ or order or direction which is favorable to the petitioner in the facts and circumstances of the case may kindly be granted to the petitioner.”

2. Brief facts of the case are that the petitioner was appointed as Teacher Grade-III (General) Level-I in the respondent Department vide order dated 27.09.2023 (Annexure-1). While the



petitioner was discharging his duties as such, an F.I.R. came to be lodged against him for the offences under Sections 419, 420, 467 and 471 of the IPC, along with Sections 3, 4 and 6 of the Rajasthan Public Examination (Measures for Prevention of Unfair Means in Recruitment) Act, 2022 and Section 66-D of the Information Technology Act, on 26.06.2024. In pursuance of the said F.I.R., the petitioner was arrested and taken into custody. Thereafter, the respondents placed the petitioner under suspension vide order dated 10.07.2024 (Annex-3). The petitioner, being aggrieved by the suspension order, preferred a writ petition before this Court titled Ramesh Chandra Dama v. State of Rajasthan & Ors. (S.B. Civil Writ Petition No. 3383/2025). During the pendency of the said writ petition, the respondent Department withdrew the suspension order dated 04.07.2024 by passing an official order dated 14.01.2025, thereby rendering the cause of action infructuous. A copy of the official order dated 14.01.2025 and the court order dated 14.02.2025 are annexed herewith and marked as Annexure-4 and Annexure-5, respectively. Thereafter, while withdrawing the suspension order, the District Education Officer (Headquarter), Banswara, simultaneously passed the impugned order dated 13.01.2025 (Annexure-6) dismissing the petitioner from service on the ground that his continuation in service was neither in public interest nor in the interest of the Department. Hence, the present writ petition

3. Learned counsel for the petitioner submits that the petitioner's service has been terminated vide order dated 13.01.2025 (Annexure-6) passed by the District Education Officer, Banswara, who is not the competent authority to terminate the





services of the petitioner. She further submits that the District Establishment Committee is the competent authority for termination of the petitioner's services. It is also submitted that the impugned order has been passed by an authority lacking jurisdiction and, therefore, deserves to be quashed and set aside.

Learned counsel for the petitioner further places reliance upon the order dated 10.07.2025 passed by the Co-ordinate Bench of this Court in **Mahesh Chandra Patel v. State of Rajasthan & Ors. (S.B. Civil Writ Petition No. 6057/2025)**, wherein, in an identical controversy, the writ petition was allowed.

4. Learned counsel for the respondent submits that the impugned order has been rightly passed by the District Education Officer, Banswara; however, he is not in a position to refute the fact that, in an identical controversy, the Co-ordinate Bench, vide order dated 10.07.2025, in the case of **Mahesh Chandra Patel v. State of Rajasthan & Ors. (supra)**, allowed the writ petition.

5. Heard learned counsel for the parties.

6. A close reading of the documents placed on record reveals that the petitioner was appointed on the post of Teacher Grade-III (Level-I), the F.I.R. came to be lodged against him for the offences under Sections 419, 420, 467 and 471 of the IPC, along with Sections 3, 4 and 6 of the Rajasthan Public Examination (Measures for Prevention of Unfair Means in Recruitment) Act, 2022 and Section 66-D of the Information Technology Act, on 26.06.2024. In pursuance of the said F.I.R., the petitioner was arrested and taken into custody. Thereafter, the respondents placed the petitioner under suspension vide order dated 10.07.2024 (Annex-3). Thereafter, the respondent- the District





Education Officer (Headquarter), Banswara, simultaneously passed the impugned order dated 13.01.2025 (Annexure-6) dismissing the petitioner from service without there being any decision of the District Establishment Committee.

7. In the case of **Mahesh Chandra Patel (supra)**, a Co-ordinate Bench of this Court has held as under:-

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9. A close reading of the documents placed on record shows that the petitioner was appointed on the post of Teacher Grade-III (Level-I) and after filing of the F.I.R., the matter was investigated and it was found that the petitioner was involved in obtaining employment by playing fraud and therefore, the charge-sheet has been filed in the Court of competent jurisdiction. In the meantime, the respondents have taken a decision to dispense with the services of the petitioner, however, the order dated 13.01.2025 has been passed without there being any decision of the District Establishment Committee. However, the District Establishment Committee has affirmed the decision of the District Education Officer in its meeting dated 15.04.2025.

10. In the considered opinion of this Court, the decision of the District Establishment Committee was required to be taken first and then the order of termination could have been passed by the District Education Officer. However, in the present case, a reverse process has been adopted, which is not permissible in the eyes of law.

11. In view of the discussions made above, the present writ petition is allowed and the order dated 13.01.2025 is quashed and set-aside. However, the respondents are directed to take appropriate steps for taking action against the petitioner in accordance with law.

2. The needful shall be done by the authorities concerned within a period of four weeks from today and it is made clear that if the petitioner is found innocent and the order of reinstatement is passed in his favour, then he will be entitled to all the consequential reliefs. 13. The stay petition as well as





other pending misc. applications, if any, stand disposed of accordingly.”

8. In the considered opinion of this Court, the decision of the District Establishment Committee ought to have been taken first, after which the order of termination could have been passed by the District Education Officer. However, in the present case, the reverse process has been adopted, which is impermissible in the eyes of law.

9. Having regard to the overall facts and circumstances of the case, and the ratio laid down by the Co-ordinate Bench in the case of **Mahesh Chandra Patel (supra)**, this Court is of the view that the impugned order has been passed by the District Education Officer, Banswara, who was not competent to pass the same.

10. Accordingly, the present writ petition is allowed. The impugned order dated 13.01.2025 (Annex-6) is quashed and set aside. However, the respondents are directed to take appropriate steps for taking action against the petitioner, in accordance with law.

11. The needful shall be done by the authorities concerned within a period of four weeks from today and it is made clear that if the petitioner is found innocent and the order of reinstatement is passed in his favour, he will be entitled to all the consequential reliefs.

12. The stay petition as well as other pending misc. applications, if any, stand disposed of accordingly.

(DR.NUPUR BHATI),J

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