



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

D.B. Writ Contempt No. 1544/2018

1. Aruna Jain W/o Sh. Kush Kumar Jain, Aged About 43 Years, Resident Of Sankul Office, Bhoodhar, Panchayat Samiti Kherwara, District Udaipur.
2. Chandresh Mehta S/o Sh. Lalit Kumar Mehta,, Aged About 44 Years, Resident Of Sankul Office, Bhandra, Village Bhandra Panchayat Samiti Kherwara, District Udaipur.
3. Navin Mehta S/o Sh. Babulal Mehta,, Aged About 45 Years, Resident Of Kherwara, District Udaipur.

----Petitioners

Versus

1. Naresh Pal Gangwar (Ias), Secretary Of Rajasthan Council For Primary Education Rajasthan, Jaipur.
2. Pawan Kumar Goyal (Ias) State Project Director Rajasthan Council Of Elementary Education, (Sarva Shiksha Abhiyan), Radhakrishnan Shiksha Sankul, 5Th Block, Ii And Iii Floor, Opposite O.t.s. Puliya, Jawahar Lal Nehru Marg, Jaipur.
3. State Of Rajasthan Through, The Secretary, Primary Education Government Of Rajasthan, Jaipur.

----Respondents

Connected With

D.B. Writ Contempt Nos. 495/2025, 720/2025, 734/2025, 914/2025, 1250/2025, 1379/2025, 1380/2025, 1381/2025, 1382/2025, 1596/2025.

For Petitioner(s) : Mr. Anand Purohit, Sr. Adv. Assisted
by Mr. Kapil Purohit
Mr. R.D.S.S. Kharlia

For Respondent(s) : Mr. Prithviraj Singh Jodha

**HON'BLE MR. JUSTICE ARUN MONGA
HON'BLE MR. JUSTICE YOGENDRA KUMAR PUROHIT**

Order

Reportable

Judgment Reserved On : 18/02/2026

Pronounced On : 01/04/2026

By the Court (Per: Arun Monga, J)

1. Vide this common order, the above batch of contempt petitions are being decided since they all originate out of alleged non-compliance of the same judgment dated 28.03.2007 passed by the learned Single Judge in S.B.C.W.P. No. 4945/2004



(Veerbhadra Singh & Ors. vs. Rajasthan Council of Primary Education & Ors.). Single Bench judgment was affirmed by the Division Bench vide judgment dated 23.01.2018 in D.B. Special Appeal (Writ) No. 525/2007, and further clarified in review proceedings vide order dated 14.11.2018. The said judgments have attained finality upon dismissal of Special Leave Petitions filed by the State before the Hon'ble Supreme Court on 18.03.2025.

2. Factual Narrative

2.1. Shorn of unnecessary details, briefly speaking, the factual backdrop reveals that the State Government, with the avowed objective of promoting elementary education, launched the Lok Jumbish Project in the year 1992. During the subsistence of the said project, a total of 948 persons came to be appointed between the years 1992 and 1998 directly by the Lok Jumbish Parishad.

2.2. Subsequently, in the year 2001, another set of approximately 748 persons, including the present petitioners, were also selected on the basis of interviews pursuant to a notification dated 24.10.2001 issued by the Lok Jumbish Parishad.

2.3. Petitioners were appointed on various posts such as Assistant Project Officer (Building), Cluster Incharge (Sankul Prabhari), Lower Division Clerks and Peons in different clusters in the State upon selection based on interviews conducted from 8 to 10th November, 2001 at different district headquarters. Though these persons underwent a selection process conducted by a duly constituted committee of the Lok Jumbish Parishad, their





appointments were routed through a placement agency, i.e. the Ex-Serviceman Welfare Cooperative Society.

2.4. The Lok Jumbish Project came to an end on 30.06.2004, when the State Government introduced a new programme, namely the Sarva Shiksha Abhiyan (SSA), to carry forward the objective of elementary education.

2.5. At that stage, a conscious decision was taken to retain the services of the 948 employees who had been directly appointed between years 1992 to 1998 by the Lok Jumbish Parishad. However, the services of the 748 persons, recruited in November, 2001, including the petitioners, were not continued on the ground that they were engaged through a placement agency.

2.6. Aggrieved by such exclusion, the petitioners approached this Court by filing writ petitions. The learned Single Judge held that the distinction sought to be drawn between the two categories of employees was artificial and illusory, and consequently directed that the 748 persons be treated at par with the 948 employees. It was directed that they be absorbed in the service of SSA on posts corresponding to those held by them under the Lok Jumbish Project.

2.7. The said SB judgment was carried in an intra court DB appeal by the respondents. The Division Bench, while affirming the reasoning of the learned Single Judge, introduced a clarification that the directions of Single Bench would operate subject to the availability of posts.

2.8. Thereafter, in review proceedings, the Division Bench further clarified that the benefit of the judgment would extend to all 748





persons and not merely to those who had approached the Court, albeit reiterating that the same would remain subject to the condition of availability of posts.

2.9. The matter subsequently was carried to the Hon'ble Supreme Court by the State, but the Special Leave Petitions were dismissed on 18.03.2025. Thus rendering the SB and DB judgments of this Court as final.

2.10. It is the case of the petitioners that despite the crystallisation of their rights through the aforesaid judgments, the respondents have deliberately not implemented the directions issued by this Court.

2.11. Hence the present contempt proceedings through the bunch of petitions.

3. In response to the contempt petitions, the respondents have filed detailed reply, followed by few other additional affidavits. It is their consistent stand that the non-implementation of the directions of SB is not attributable to any contemptuous, much less contumacious conduct, but owing to administrative and policy developments, read with subsequent DB orders passed by this court, which warrant no interference under contempt jurisdiction.

3.1. The respondents have deposed that the judgment of the Division Bench, as well as the clarificatory order passed in review, expressly made the relief granted by the learned Single Judge subject to the availability of posts. This condition is the real and substantive limitation on the enforceability of the directions given by SB.





3.2. It is further submitted that subsequent to the judgments in question, the State Government undertook a comprehensive restructuring of the education department vide order dated 08.08.2018. By virtue of this restructuring, the staffing pattern of various offices under the education department was fundamentally altered.

3.3. The policy decision categorically stipulated that contractual appointments would no longer be made, except in limited cases such as "Man with Machine" arrangements, and that all posts would thereafter be filled either through regularly selected employees or by deputation from the existing cadre.

3.4. The respondents state that the posts which were held by the petitioners under the Lok Jumbish Project, such as Sankul Prabhari, Cluster Resource Centre Facilitator, Vistar Kendra Prabhari and similar positions, have either been abolished or do not exist within the framework of the Sarva Shiksha Abhiyan or the subsequently introduced Samagra Shiksha Abhiyan. In the absence of corresponding posts, it is urged that the question of absorbing the petitioners does not arise.

3.5. With regard to the vacancies pointed out by the petitioners, the respondents submit that although certain posts may be lying vacant, such posts are governed by a different recruitment regime and are required to be filled by duly selected government employees or gazetted officers. In view of the policy decision dated 08.08.2018, no such posts can be filled through contractual engagement, and therefore, the petitioners cannot be accommodated against those vacancies.





3.6. It is asserted that the respondents have examined all possible avenues for compliance with the directions issued by this Court but have been unable to find any viable mechanism for accommodating the petitioners within the constraints of the prevailing policy. It is thus their case that the essential ingredient of wilful disobedience is absent.

4. Submissions on behalf of the Petitioners

4.1. On behalf of the petitioners, it is vehemently contended that the judgments of this Court, as affirmed by the Hon'ble Supreme Court, have conclusively determined their entitlement to be treated at par with the 948 employees who were retained under the Sarva Shiksha Abhiyan and are presently working under the Samagra Shiksha Abhiyan. It is urged that the right to parity has attained finality and cannot be diluted by subsequent administrative decisions and/or policy.

4.2. Learned counsel for the petitioners submitted that the condition of "availability of posts" cannot be interpreted in a manner that renders the judgment otiose. According to them, the existence of numerous vacancies, as revealed through information obtained under the Right to Information Act, clearly demonstrates that posts are available against which the petitioners can be accommodated. It is further argued that several of the 948 employees are presently working on posts such as Assistant Project Coordinator, Junior Assistant, Senior Assistant, Resource Person and similar positions, and the petitioners, being equally qualified, are entitled to be considered for such posts.





4.3. It is also contended that the respondents are continuing to fill posts through deputation from government employees who are drawing higher salaries, thereby imposing a greater financial burden on the State exchequer. In contrast, the petitioners are willing to work on contractual basis without claiming any past benefits or back wages, and therefore, their engagement would be both equitable and economically viable.

4.4. The petitioners further submit that the plea of non-availability of posts had been raised by the respondents before the Hon'ble Supreme Court and stood rejected upon dismissal of the Special Leave Petitions. It is thus argued that the respondents are seeking to reopen a settled issue under the guise of compliance, which is impermissible in law. According to the petitioners, the continued inaction on the part of the respondents amounts to deliberate and wilful defiance of the directions issued by this Court.

5. Submissions on behalf of the Respondents

5.1. Per contra, learned counsel for the respondents reiterates that the directions of this Court are not absolute but are expressly conditional upon the availability of posts. It is submitted that the expression "availability of posts" must be construed in the context of the prevailing statutory and policy framework, and not in a vacuum.

5.2. It is further argued that after the restructuring effected in 2018, the entire scheme of contractual employment has been done away with, and therefore, even if vacancies exist, they cannot be filled through contractual engagement. The respondents





maintain that the posts relied upon by the petitioners are either cadre posts or posts earmarked for regularly selected employees, and hence, are not available for the purpose of implementing the directions of this Court.

5.3. The counsel for respondents also submitted that the continuation of the 948 employees is an exception carved out under a specific policy decision. It cannot be relied upon to claim parity in perpetuity. It is urged that contempt jurisdiction cannot be invoked to compel the State to act contrary to its policy or to create posts that do not exist.

5.4. It is thus contended that the non-implementation of the judgment is not a result of wilful disobedience but is attributable to genuine administrative and legal constraints, and therefore, no case for contempt is made out.

6. Discussion and Analysis

6.1. Having considered the rival submissions and examined the material available on record, the principal issue that arises for determination is whether the respondents have committed wilful disobedience of the directions issued by this Court or whether the alleged non-compliance is justified on account of subsequent policy and structural changes.

6.2. We shall now proceed to adjudicate on the issue in hand in the succeeding part of the order by recording our discussion on the rival stands as already noted here in above. Before proceeding further, first and foremost, reference may be had to the Single Bench order, followed by the two Division Bench orders, joint





implementation of which is sought. Relevant extract thereof, for any reference, is reproduced here under:-

SB Writ Order dated 28.03.2007

“In view of the discussion above, the 748 persons appointed as a consequent to the selection proceedings taken under the notification dated 24.10.2001 are required to be treated as employees of the Lok Jumbish Parishad and not of the cooperative society. These employees also deserve to be treated at par with the 948 employees of Lok Jumbish Parishad appointed during the period commencing from 1992 to 1998.

An another remarkable aspect of the matter is that the 748 persons including the petitioners who were employed in the year 2001 and 948 persons who were appointed under Lok Jumbish Project during the year 1992 to 1998 worked with all sincerity and dedication to make the Lok Jumbish Project a big success and the work done by these employees was appreciated by all the persons concerned including the Chief Minister of the State. A decision when was taken to continue the employees of the Lok Jumbish Parishad working under Lok Jumbish Project with SSA, then the petitioners and other similarly situated persons legitimately expected for their continuation in service. The respondent Council without having any public interest or reasonable cause did not choose to continue the petitioners in service. There being no reasonable cause available to the respondents for not fulfilling legitimate expectation of the petitioners and other similarly situated persons, this Court consider itself able to come forward to their aid as they failed to obtain redress from the respondents. It is pertinent to note that the respondent is filling in these vacancies by way of deputation from the employees of the Government of Rajasthan already working with higher pay scales. The SSA have to pay those employees wages atleast in their existing pay scales whereas the petitioners are capable to discharge the same duties at consolidated salary. The issue, as said to me by the counsel for the parties, with regard to appointment on deputation with SSA being under consideration before. the Division Bench, I am not touching that, however, it can be very well said that no public interest can be served by making appointments on deputation that may be a reason to ignore the legitimate expectation of the petitioners.

For the reasons whatever discussed above, these petitions for writ deserve acceptance. Accordingly, the same are allowed. The respondents are directed to treat the 748 persons including the petitioners who were selected to work under Lok Jumbish Project in pursuant to the notification dated 24.10.2001 at par with the 948 persons appointed with the Lok Jumbish Project during the period from 1992 to 1998 and these persons be also absorbed in service of the SSA on the posts corresponding to the post held by them under Lok Jumbish Project.”

DB Appeal Order dated 23.01.2018





“8. Taking into consideration that the State Government has come out with a notification whereby 948 persons working with Lok Jumbish Parishad during 1992 to 1998 were absorbed in SSA. The same terms and benefits shall be granted to the writ shall be granted to petitioners on the posts on which they were working.

8.1 We clarify clarify that the order of the learned Single Judge will be made applicable in case posts are available. Benefits conferred conferred to 948 persons will be granted to the writ petitioners.

9. These appeals are disposed of accordingly.”

DB Review Order dated 14.11.2018

“7. Meaningfully read, the order of the Division Bench does not exclude the grant of benefit to those out of 748 persons who did not approach the Court by way of a writ petition.

8. Thus, we dispose of the review application clarifying that the decision in the appeal would be read as affirming the decision of the learned Single Judge granting relief to the entire lot of 748 persons with the condition supplanted by the Division Bench i.e. subject to the availability of posts.”

6.3. In the aforesaid backdrop, at the very threshold, we may like to observe that the petitioners' claim to parity with the 948 employees already stands conclusively adjudicated by judgments of this Court, which have attained finality and are no longer open to re-agitation. However, this entitlement is by no means absolute or unqualified. The Division Bench, while affirming the judgment of the learned Single Judge, expressly conditioned the grant of relief upon the availability of posts. This limitation was not incidental but deliberate, and was reiterated in the review order, thereby forming an inseparable and binding part of the operative directions.

6.4. The expression “in case posts are available” as employed by the Division Bench, cannot be construed in a notional or abstract sense. It necessarily connotes the existence of posts that are not merely vacant, but are also legally subsisting and capable of being





filled in accordance with the statutory recruitment rules and the governing policy framework of the State. Any interpretation divorced from these administrative and legal realities would amount to rendering the condition otiose.

6.5. The respondents have placed on record the policy decision dated 08.08.2018, which ushered in a fundamental restructuring of the education sector. The policy unequivocally shows that contractual engagements have been substantially discontinued, and that staffing is now to be undertaken through regular recruitment or deputation. This policy shift, having come into force subsequent to the judgments in question, has a direct and determinative bearing on the executability of the directions issued by this Court, and cannot be brushed aside.

6.6. Pertinently, there is no material on record to indicate that the posts on which the petitioners were engaged under the Lok Jumbish Project continue to exist within the present administrative framework. On the contrary, the categorical stand taken by the respondents on oath, supported by the record, establishes that such posts have either been abolished or have ceased to form part of the current structure. The vacancies relied upon by the petitioners, based on information obtained under the RTI Act, pertain to cadre posts governed by a distinct recruitment regime and are not amenable to contractual appointment. Any attempt to equate the two is fundamentally misconceived.

6.7. Having said that, it is equally true that the continuation of the 948 similarly situated employees presents an apparent disparity. However, such continuation is the product of sheer





fortuitous circumstances, caused or contributed by peculiar transitional policy arrangement adopted by the State at a particular point in time. Said policy decision was never subjected to challenge, nor was it interdicted by any judicial order, whether in contempt proceedings or otherwise.

6.8. Equally, it is pertinent that the posts under the Lok Jumbish Project were never replenished upon their cessation. The present case is further complicated by the sheer passage of time i.e. over two decades have elapsed since the institution of the writ proceedings in 2004. To now direct fresh appointments on the basis of such brief period (less than 24 months) and time-bound contractual engagements rendered long ago would not only be impracticable, but would also run contrary to settled service jurisprudence. Many of the petitioners may no longer satisfy eligibility criteria on account of age or otherwise lack the requisite qualifications or expertise under the current regime. Any such direction would, therefore, rather result in manifest incongruity.

6.9. Be that as it may, aforesaid distinction, which is the real hurdle to implement the orders of this court and an issue warranting adjudication, cannot be dealt with under the limited scope of contempt jurisdiction. It is well settled that contempt jurisdiction is invoked to ensure compliance with judicial orders where such compliance is possible. Where subsequent events render compliance impracticable or legally impermissible, the element of wilfulness, which is a sine qua non for holding a party guilty of civil contempt, is absent.





6.10. In the present case, the stand taken by the respondents is consistent and supported by policy documents. There is nothing on record to indicate that the respondents have deliberately or intentionally acted in defiance of the orders of this Court. On the contrary, the material suggests that they have examined the matter and have taken a considered view that compliance is not feasible within the existing framework.

6.11. Also, upon a careful reading of the judgment rendered by the learned Single Judge, as duly affirmed and qualified by the learned Division Bench vide order dated 23.01.2018, it becomes manifest that neither was it the intent of the learned Single Judge, nor does the language employed in the judgment admit of such an interpretation, that all the 748 candidates, irrespective of the factual position, even if they served on contractual post for few months not exceeding one contract, were to be treated identically with the 948 employees who served for 5 to 10 years, by way of automatic or unconditional appointment.

6.12. There is nothing, either expressly stated or even implied, to suggest that the learned Single Judge intended to obliterate all material distinctions between the two groups or to confer an absolute right of appointment upon the 748 candidates merely on the basis of parity. It is quite plausible that the full extent of the limited tenure of engagement of the 748 candidates, many of whom had rendered services for barely one or two contractual terms, not exceeding two years in aggregate, was either not placed before or not fully appreciated by the learned Single Judge, especially when contrasted with the 948 employees





who had served continuously from 1992 onwards for a considerably longer duration, in many cases exceeding five years.

6.13. To construe the judgment of the learned Single Judge as conferring, upon persons who had rendered short-term contractual service, i.e., few months not exceeding 24 months for any of them, a vested or enduring right to appointment, tantamount to a form of continuing lien in perpetuity over public posts, without following the due procedure of recruitment. That would be rather overstretching the intent and scope of issuing writ of mandamus. Such an interpretation finds no support in the text, tenor, or reasoning of the judgment alleged to have been violated.

6.14. Qua the argument that dismissal of the Special Leave Petition by the Hon'ble Supreme Court forecloses the issue of non-availability of posts is equally untenable. The dismissal of the SLP does not enlarge or modify the operative directions of the High Court; it merely affirms the judgment as it stands, inclusive of the express limitation that the relief would operate subject to availability of posts. The said condition, therefore, continues to bind the parties.

6.15. We have carried out a comprehensive examination of the entire record, including the pleadings, affidavits vis-à-vis the affidavits of the petitioners dated 14.10.2025 and 06.01.2026, and the additional affidavits by the respondent dated 27.01.2026; the rejoinders dated 07.11.2025 and 16.02.2026; and the sur-rejoinder by the respondent dated 10.12.2025. As an upshot thereof, the discussion as already recorded in the preceding paragraphs and in light of the broader factual and legal matrix, we





are of the opinion that this is not a case of wilful disobedience of the Court's orders.

6.16. At the cost of reiteration, it is beyond dispute that the judicial mandate is expressly circumscribed by the availability of corresponding posts. It is in this backdrop, which is very pertinent, that the stand of the respondents has to be examined, and not in isolation. Then only it can be appreciated in the context of subsequent administrative and structural transformations within the education department. Of particular significance is the comprehensive restructuring effected vide order dated 08.08.2018, which fundamentally altered the staffing architecture by virtually eliminating contractual engagements, save for limited technical arrangements such as "Man with Machine", and mandating that posts be filled through duly selected regular personnel or gazetted officers. This policy shift, grounded in administrative rationalization and fiscal discipline, has had the effect of rendering obsolete the very categories of posts under which the petitioners were earlier contractually engaged within the Lok Jumbish framework.

6.17. It is equally material that several of the posts relied upon by the petitioners, including CRCF, Assistant CRCF and analogous positions, stand abolished, while other posts such as Program Officer, Resource Person and Assistant Project Coordinator have become cadre-bound positions earmarked for regularly appointed government functionaries. In such circumstances, the petitioners' reliance on the existence of vacancies is misplaced, for even if such vacancies exist in fact,





they are not legally available for being filled through contractual or placement-based appointments. The distinction between factual vacancy and legal availability cannot be blurred.

7. In fact, it would also be relevant to reproduce an order dated 07.01.2026 wherein certain observations were made with regard to ascertaining the vacancy position so as to determine the feasibility of implementation of the judgment alleged to be under contempt. The said order is reproduced hereinbelow:-

“1. Having heard the arguments at some length, we are of the view that an additional affidavit dated 14.10.2025 deposed by Smt. Madhu Pareekh on behalf of the petitioners has not been properly dealt with by the respondents.]

2. In fact, not only the relevant contents thereof have been given of a complete short shrift but rather an evasive response has been filed by Smt. Anupama Jorwal, State Project Director vide her affidavit dated 10.12.2025. The vacancy position, the crucial factor to be addressed, which has also been appended with the additional affidavit of Smt. Madhu Pareekh after getting information under the RTI, has also not been dealt with by Smt. Anupama Jorwal in her affidavit.

3. In the premise, it is directed that a fresh affidavit be filed by giving para wise response to the affidavit filed by Smt. Madhu Pareekh, particularly the RTI information, ibid.

4. Needful be done within a period of two weeks from today, failing which Smt. Anupama Jorwal, State Project Director along with Secretary, Secondary Education Department shall remain present before this court.

5. Post it on 28.01.2026.”

8. Apropos, an affidavit dated 27.01.2026 by Smt. Anupama Jowal, State Project Director, Samagra Shiksha, Rajasthan Council of School Education, Jaipur has been filed wherein it is, inter alia, deposed as under:-

“8. That in para-4 of the counter affidavit the petitioner Madhu Pareekh has stated that the employees rendering services to Lok Jumbish were retained in Sarva Shiksha Abhiyan on yearly contract basis and they are presently working under the Samagra Shiksha Abhiyan such as, Assistant Project Coordinator, Junior Assistant, Senior Assistant, Program Officer, Resource Person, Assistant CRCF etc. as per their educational qualification and the petitioners are also having equal qualification. The deponent most respectfully submits that the 948 contract employees of the Lok Jumbish engaged during the year 1992 to 1998 were retained to provide services to the newly launched project Sarva Shiksha Abhiyan w.e.f. 30.06.2004. These





candidates were engaged on yearly contract basis, in the same offices of Sarva Shiksha Abhiyan where they were rendering services to the Lok Jumbish. All the candidates were to submit agreement every year. They were retained in 3 categories, (i). Senior Specialist those who were drawing honorarium above Rs. 8000/-in the Lok Jumbish, (ii) Junior Specialist the incumbents drawing honorarium between Rs. 6,000/- to 8,000/ and (iii) Assistant those who were drawing honorarium below Rs. 6,000/- and as submitted hereinabove these persons were assigned work against the post on work arrangement basis. This was decided because all such contract had vast experience of 10, 12 years. All the petitioners were engaged on contract basis through placement agency between the year 2002-03 up-to 30.06.2004 on the post which were at all not existing in the newly launched project Sarva Shiksha Abhiyan.

The fact that no such post as narrated by the petitioners is not in existence as on the date is evident by the order dated 08.08.2018. The post of Cluster Resource Centre Facilitator (CRCF) and Assistant CRCF were abolished way back in the year 2011. It is reiterated that the post of Assistant Project Coordinator, Program Officer and Resource Person can be manned through the gazetted Officers of The Rajasthan Educational Service. The other two posts Junior Assistant and Senior Assistant can be filled in through the regularly selected employees of the State Government against which the petitioners cannot be accorded appointment.

9. *That in para-5 of the counter affidavit the petitioners have given details with regard to vacant post it is respectfully submitted that for the reasons mentioned in the previous paragraphs the possibilities of petitioners appointment on any such post do not exist.*

10. *That in response to para 6 of the counter affidavit, the deponent most respectfully submits that the fact pertaining to the order dated 08.08.2018 cannot be denied and the Hon'ble Supreme Court has simply dismissed the SLP affirming the order passed by the Hon'ble Court. It is also respectfully submitted that for reasons mentioned hereinabove the respondents council is not in a position to engage the petitioners. At this juncture it is once again submitted that the deponent and the respondent no. 2 along with all other officers explored all the viabilities to accommodate the petitioners but they could not, for which the deponent feels remorseful and again tender unconditional apology for any unintentional mistake. She keeps highest regard to the entire judicial system. She never thought of flouting of any judicial order in her entire service career. In this way she had no intention to flout or disregard the orders passed by this Hon'ble Court in the entire bunch of cases.*

11. *That the contents of para-7 of the counter affidavit have already been replied adequately.*

12. *That in reply to the contents of para-8 of the counter affidavit the deponent respectfully submits that the petitioner has nowhere provided the details of aspirants. However the council after thorough deliberations communicated all the persons about the reasons of inability to engage them with Samagra Shiksha. The communication dated 14.10.2025 is enclosed and marked as Annexure-AA-4.”*

9. After the above affidavit dated 27.01.2026 was filed by Smt. Anupama Jorwal, in response thereof, an additional affidavit dated





16.02.2026 has also been filed on behalf of the petitioner, relevant extract thereof is as below:-

“5. That in para 4 (v) of the additional affidavit, it is stated that these 948 persons are still engaged on various posts under Samgra Siksha Abhiyan on contract basis and even large number of such posts are already available with them but denying appointment to the Petitioners without any reason, details of such posts has already been mentioned in para 5 of the Counter affidavit filed by the Petitioners, same is again reproduced herein under;
Various post of on which those 948 persons are still working, are mentioned in table below:

S. NO	Name of Post	Total Posts	Vacant Posts
24.	Assistant Project Coordinator	66	22
35.	Class IV	1966	1100
67.	Junior Assistant	1478	625
90.	Program Officer	204	79
95.	Resource Person	716	238
96.	Resource Person (CWSN)	749	251
99.	Senior Assistant	1399	275

6. That the respondents has place on record the order dated 08.08.2018 (Annexure- R/1) and has averred that no post in any office of the Chief Block Education Officer cum Ex-officio BRCF would be manned through the contract employees except MIS (Machine with Man), however; the said order cannot come in the way of offering appointment to the Petitioners, for the reason, firstly, that the said order was already in existence before filing of the said SLP before the Hon'ble Surpeme Court, there is no such whisper in the SLP about the reason as mentioned in the present reply.

Secondly, this Hon'ble Court specifically directed to treat these 748 persons at par with those 948 persons whose services were absorbed in Sarv Shiksha Abhiyan. All those 948 persons are still engaged presently, in the Samgra Shiksha Abhiyan on contract basis, the Petitioners are also seeking same treatment as has been provided to those 948 persons as directed by this Hon'ble Court. The Petitioners can also be appointed on the posts on which those 948 persons are engaged, as per their educational qualifications, such posts are Assistant Project Co-ordinator, Junior Assistants, Senior Assistant, Class IV, Resource Persons, Assistant CRCF etc.

And, further large number of various category of various posts are still vacant with the respondent council on which those 948 persons are still engaged, therefore, there is no reason to deny appointment to the Petitioners.”

10. In light of the aforesaid two affidavits, we have also perused officer letter/order dated 14.10.2025 referred and appended with the affidavit of Ms. Anupama Jorwal, as above. Same reveals that





at the time of engagement of the petitioners herein, the posts on which they had served are no longer existing and have been abolished. And, under the current framework of the Samagra Shiksha Abhiyan, these posts no longer exist. It is stated therein that in terms of Administrative Order dated 08.08.2018, only the post of MIS (Machine with Man) has been retained on a contractual basis at the district-level Integrated Education Cluster Offices, additional district project offices under Samagra Shiksha, and the State-level Education Cluster Offices. All other contractual posts have been abolished.

10.1. Letter/office order, *ibid*, states that the Lok Jumbish Project itself was discontinued on 01.07.2004, and 948 contractual personnel were thereafter adjusted under the Sarva Shiksha Abhiyan on a time-bound basis. Subsequently, with the closure of the Sarva Shiksha Abhiyan and Rashtriya Madhyamik Shiksha Abhiyan, and the implementation of the Samagra Shiksha Abhiyan, the aforesaid Order dated 08.08.2018 governs the position, under which no contractual posts other than MIS remain available. Thus, under the present policy framework, no such posts on which 948 persons are working are in existence to adjust another 748 persons as per the court orders which, in any case, is subject to posts being available. As per policy, appointments are now made on deputation from various departments, and upon completion of the time bound project, such officers/employees are relieved and repatriated to their parent departments. In view of the above, no suitable post exists under the prevailing policy for adjustment or appointment.





10.2. Neither the Administrative Order dated 08.08.2018 nor letter/order dated 14.10.2025 have been challenged by the petitioners. In any case, it is not for us to adjudicate upon the same under contempt jurisdiction, suffice to note that their collective reading does not make it a case of any deliberate contempt.

Conclusion

11. To sum up, on a holistic appreciation of the material on record, it cannot be said that the respondent authorities have acted in contumacious disregard of the judicial directions. Rather, the record reflects a consistent position that, despite earnest consideration, the respondents have been unable to implement the directions owing to supervening policy changes and structural reorganization. They have tendered their unconditional apology, we find that in the absence of any deliberate or wilful defiance, same is genuine and bonafide and, we thus accept the same.

12. Accordingly, no case for initiating/continuing with the contempt proceedings is made out. The contempt petitions are, therefore, disposed of, leaving it open to the petitioners to avail such remedies as may be available to them in accordance with law. Contempt notices issued are discharged. However, petitioners are at liberty to assail the Administrative Order dated 08.08.2018 and/or letter/order dated 14.10.2025, in case they so wish and so advised.

13. In the parting, we may like to observe that while the grievance of the petitioners is not without equitable force, particularly in light of the earlier judicial recognition of parity,





however, the enforceability of such parity stands substantially diluted by subsequent administrative developments. The claim for absorption or appointment against presently existing regular posts does not withstand legal scrutiny. Likewise, the reliance on alleged vacancies does not advance the petitioners' case within the prevailing statutory and policy framework qua their recruitment process.

14. A copy of this order be placed in each file of the instant bunch of petitions.

(YOGENDRA KUMAR PUROHIT),J

(ARUN MONGA),J

21 to 31-DhananjayS/-