IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL WRIT (CW) No. 6873 of 2015

PETITIONERS:

- 1. Budh Ram S/o Shri Banwari Lal, B/c Meghwal, aged about- 57 years, R/o VPO Malkhera, Tehsil Bhadra, District Hanumangarh (Raj).
- 2. Chhotu Ram Punia S/o Shri Chhuni Ram, aged about57 years, B/C Jat, R/o VPO Malkhera, Tehsil Bhadra,District Hanumangarh (Raj).

VERSUS

RESPONDENTS:

- 1. The State of Rajasthan through the Secretary, Department of Elementary Education, Secretariat, Rajasthan, Jaipur.
- 2. The Zila Parishad, Hanumangarh through its Chief Executive Officer.
- 3. The District Education Officer (Elementary Education), District Hanumangarh.

Date of Order: 21.09.2016

HON'BLE Miss JAISHREE THAKUR, J.

Mr. JS Bhaleria, for the petitioner Ms. RR Kanwar, for the respondent

JUDGMENT

1. Learned counsel for the petitioners has placed reliance on the judgment rendered by this court in the case of Bhura Ram Saharan & Ors. Vs. State of

Rajasthan & Ors. [2013 (3) CDR 1561 (Raj.)] and a Division Bench judgment rendered in State of Rajasthan & Ors. Vs. Gopa Ram [DB Civil Special Appeal No.44/2016, decided on 18.04.2016 and states that the case of the petitioners is squarely covered by the ratio of the said judgments.

- 2. The counsel appearing on behalf of the respondent State submits that the judgment rendered in the case of Bhura Ram is not applicable to the case of the petitioners and that the department is contemplating about filing of SLP against the asme.
- 3. I have heard counsel for the parties and I am of the firm opinion that until and unless the judgment rendered in the case of Bhura Ram Saharan (supra) as well as Gopa Ram (Supra) are not set aside, the ratio of law as laid down in the aforesaid judgments will be applicable and the State is bound by the ratio and directions laid down therein.
- 4. In view of the above, the present writ petition is disposed of with a direction to the respondents to consider the case of the petitioners in terms of the order and judgment of this court in the case of State of Rajasthan & Ors. Vs. Gopa Ram (Supra) and Bhura Ram (Supra). In case, the petitioners are found to be

covered by the said judgments, the relief prayed for shall be granted to them. The decision is to be taken within a period of four weeks from the date of receipt of certified copy of the order.

(JAISHREE THAKUR),J.

CK Mishra