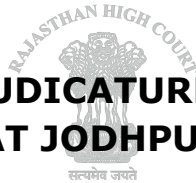




**HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR**



S.B. Civil Writ Petition No. 18051/2026

CNR: RJHC010775092026 | URN: CW / 31278U / 2026

Pranshu Ratna Jain S/o Late Shri Om Prakash Seth, Aged About
20 Years, R/o Sundar Colony, Po Kankroli, District Rajsamand.

-----Petitioner

Versus

1. The State Of Rajasthan, Through The Secretary,
Department Of Elementary Education, Rajasthan, Jaipur.
2. The Director, Elementary Education, Rajasthan, Bikaner.
3. The Joint Director, (School Education), Udaipur.
4. The District Education Officer, (Hq), Elementary
Education, Rajsamand.
5. The Chief Block Education Officer, Rajsamand.

-----Respondents

For Petitioner(s) : Mr. Khet Singh Rajpurohit
For Respondent(s) : Mr. Kamlesh Sharma

HON'BLE MR. JUSTICE KULDEEP MATHUR

Order

26/10/2026

By way of filing the present writ petition, the petitioner has
prayed for the following reliefs:-

*"It is, therefore, most humbly and respectfully prayed
on behalf of petitioner that this writ petition may kindly be
allowed and record of the case may kindly be called for and,
a) By an appropriate writ, order of direction, the
communication dated 02.07.2026 (Annex-12) may kindly be
quashed and set aside.
b) By an appropriate writ, order or direction, the
respondents may kindly be directed to consider the
application of the petitioner afresh for compassionate
appointment.
c) By an appropriate writ, order or direction, the
respondents may kindly be directed to grant compassionate
appointment to the petitioner with immediate effect with all
consequential benefits.*



d) By an appropriate writ, order or direction, if any official decision without communication to the petitioner is taken may kindly be quashed and set aside."

2. Heard.

3. Having heard learned counsel for the parties and upon perusal of the material available on record, this Court finds that the petitioner's father, Shri Omprakash Seth, died in harness on 07.03.2021. Thereafter, the wife of the deceased Government servant, Smt. Snehlata Jain, submitted an application dated 15.05.2021, along with all requisite documents, seeking compassionate appointment in the Department in accordance with the Rajasthan Compassionate Appointment of Dependents of Deceased Government Servant Rules, 1996.

The application submitted by the wife of the deceased Government servant remained undecided. In these circumstances, keeping in view her ill health, she submitted a request through the proper channel on 26.11.2024, seeking compassionate appointment for her son, i.e., the present petitioner, who had attained majority in the meantime. The request seeking compassionate appointment ultimately came to be rejected on the ground that the claim for compassionate appointment of the petitioner was hopelessly time-barred and, therefore, could not be entertained.

4. Having regard to the aforesaid facts, this Court, vide order dated 03.10.2025, directed learned counsel for the respondents to place on record the relevant documents or file an affidavit disclosing whether the application dated 15.05.2021, submitted by the petitioner's mother seeking compassionate appointment following the untimely death of his father, had been decided.



5. Today, when the matter was taken up, learned counsel appearing for the respondents, on instructions, submitted that the application filed by the petitioner's mother seeking compassionate appointment had not been finally decided and was still pending before the authorities.

6. In the opinion of this Court, since the respondents themselves have not taken a final decision on the application submitted by the petitioner's mother seeking compassionate appointment in accordance with the Rajasthan Compassionate Appointment of Dependents of Deceased Government Servant Rules, 1996, the request made by the petitioner's mother seeking substitution of her son in her place for consideration for compassionate appointment cannot be rejected merely on the ground of delay and laches.

As a matter of fact, if there is any delay in processing and deciding the application submitted by the petitioner's mother, the same is attributable to the respondent- Department. No rule has been brought to the notice of this Court that disentitles an applicant from seeking substitution of another eligible family member in her place during the pendency of an application for compassionate appointment. The Rajasthan Compassionate Appointment of Dependents of Deceased Government Servant Rules, 1996, also do not provide for automatic rejection of an application seeking compassionate appointment.

7. In view of the foregoing, the present writ petition is allowed. Respondent Nos. 2, 3 and 4 are directed to process the application/request submitted by the petitioner's mother seeking substitution of her son, i.e., the present petitioner, for



consideration for appointment to a suitable post in the respondent Department on compassionate grounds, in accordance with law. The necessary exercise in compliance with this order shall be completed by the respondents within a period of two months from the date of this order.

8. Stay petition and all pending applications, if any, stand disposed of.

(KULDEEP MATHUR),J

Crt_9 (1810)
D-A/66
Divya Raj Jasmatiya