



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

S.B. Civil Writ Petition No. 1104/2026

Virendra Singh S/o Shri Dilip Singh, Aged About 36 Years, R/o
Ward No. 04, Near Tower, Purani Abadi, Sri Ganganagar, Tehsil
And District Sri Ganganagar, Raj.

-----Petitioner

Versus

1. State Of Rajasthan, Through The Secretary, Education
Department, Government Of Rajasthan, Secretariat,
Jaipur,raj.
2. Director, Secondary Education, Rajasthan, Bikaner, Raj.
3. District Education Officer, Secondary Education, Sri
Ganganagar.

-----Respondents

For Petitioner(s) : Mr. Mudit Nagpal
For Respondent(s) : Mr. Bhupesh Charan for
Mr. N.K. Mehta, DGC

HON'BLE MR. JUSTICE KULDEEP MATHUR

Order

04/05/2026

By way of filing the present writ petition under Article 226 of
the Constitution of India, the petitioner has prayed for the
following reliefs:-

*"It is, therefore, most humbly prayed that the
present petition for writ in the nature of Mandamus may
kindly be allowed. By an appropriate writ, order or
direction:*

*(i) The impugned communication/order dated 28.11.2025
issued by Respondent No. 2, whereby the compassionate
appointment of the petitioner has been cancelled may
kindly be declared illegal and the same may kindly be
quashed and set aside;*

*(ii) The respondents may kindly be directed to restore and
give effect to the approval of compassionate appointment
granted to the petitioner vide order dated 25.02.2025,
and to appoint the petitioner on compassionate grounds in
accordance with the Rajasthan Compassionate*



Appointment of Dependents of Deceased Government Servants Rules, 1996, with all consequential benefits;
 (iii) *The Personnel Department Notification dated 04.12.2019 may kindly be declared to be inapplicable to the case of the petitioner, inasmuch as the alleged offence under the Rajasthan Public Gambling Ordinance, 1949 does not fall within the ambit of disqualifying offences contemplated thereunder;*

2. Briefly stated, the facts of the present case are that the father of the petitioner was working in the respondent department on a regular basis. He unfortunately died on 04.07.2024 while in service. Thereafter, the petitioner applied for compassionate appointment in conformity with the Rajasthan Compassionate Appointment of Dependents of Deceased Government Servants Rules, 1996. The respondents, after considering the candidature of the petitioner, vide office order dated 25.02.2025, approved his name for appointment against the post of Assistant Employee (Sahayak Karamchari) and directed him to appear in the office of District Education Officer (Headquarter), Secondary Education, Sri Ganganagar.

3. However, the joining of the petitioner was not accepted. Subsequently, vide order dated 28.11.2025 issued by the office of the Director, Secondary Education, Rajasthan, Bikaner, the appointment order was cancelled on the ground that during police verification it was found that FIR No.306 dated 23.10.2011 had been lodged against the petitioner for an offence under Section 13 of the Rajasthan Public Gambling Ordinance, in which the competent criminal court had sentenced him to a fine of Rs. 100/-.

4. Learned counsel for the petitioner reiterating the pleaded facts and grounds of the writ petition submitted that the order dated 28.11.2025 passed by the Director, Secondary Education,



denying compassionate appointment on the ground of imposition of a fine of Rs. 100/- under the Rajasthan Public Gambling Ordinance, is arbitrary and illegal in the eyes of law. He further submitted that the impugned order is contrary to the circular dated 04.12.2019 issued by the Department of Personnel, Government of Rajasthan, wherein it is clearly provided that appointment in government service should ordinarily be denied only in cases where a candidate is convicted of offences involving moral turpitude or violence.

5. Learned counsel contended that denial of appointment to the petitioner for such a petty offence would not only adversely affect his future but would also negate the opportunity for reform, branding him as a criminal for life. Learned counsel further submitted that a Coordinate Bench of this Court in the case of **"Alok Garg vs. State of Rajasthan & Ors."** passed in **S.B. Civil Writ Petition No. 5523/2007, decided on 08.04.2015**, relying upon the judgment of the Hon'ble Supreme Court in the case of **"Pawan Kumar vs. State of Haryana" reported in (1996) 4 SCC 17**, has held that imposition of a fine upon an accused pleading guilty under the Rajasthan Public Gambling Ordinance does not constitute moral turpitude, and therefore, denial of appointment on such a ground cannot be sustained.

5. *Per contra*, learned counsel for the respondents submitted that Clause 1 of the circular dated 04.12.2019 issued by the Department of Personnel clearly indicates that if a candidate has been convicted and sentenced, he cannot be considered eligible for appointment to a government post. He submitted that it is not in dispute that the petitioner was sentenced to a fine for an





offence under the Rajasthan Public Gambling Ordinance, and therefore, the appointing authority, after considering the entire material on record, has rightly declared him ineligible for appointment on the Government post vide order dated 28.11.2025 (Annexure-08).

6. Heard.

7. Indisputably, the petitioner applied for compassionate appointment in the respondent department on account of the untimely death of his father. The respondents initially approved his candidature upon finding him eligible under the applicable Rules; however, during police verification, it was revealed that he had been convicted and fined Rs. 100/- under the Rajasthan Public Gambling Ordinance.

8. Upon a careful perusal of the relevant service rules and the circular dated 04.12.2019 issued by the Department of Personnel, Government of Rajasthan, this Court *prima facie* finds that in cases where a candidate has been convicted, the decision to deny appointment is not to be taken in a mechanical manner. Rather, a duty is cast upon the appointing authority to examine such cases carefully, and unless the offence for which the candidate has been convicted involves moral turpitude or violence, appointment may be granted. This Court further finds that a Coordinate Bench of this Court in **Alok Garg (supra)**, has held that imposition of a fine upon an accused for an offence under the Rajasthan Public Gambling Ordinance does not amount to moral turpitude. Therefore, denial of appointment to an otherwise eligible candidate on such a ground cannot be sustained in law.





9. In view of the aforesaid discussion, the present writ petition is allowed. The impugned order dated 28.11.2025 (Annexure-08) passed by the Director, Secondary Education, Rajasthan, Bikaner is hereby set aside. The respondents are directed to permit the petitioner to join service on the post of "Sahayak Karamchari" forthwith. The petitioner shall be entitled to seniority, pay fixation, and other consequential benefits on a notional basis from the date of this order.

10. The stay petition stands disposed of.

(KULDEEP MATHUR),J

26-divya/-

