



**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**

S.B. Civil Writ Petition No. 2475/2024
CNR: RJHC020123292024 | URN: CW / 4690U / 2024

Shakuntla Devi Sharma W/o Tara Chand Sharma, Aged About 49
Years, Resi. Of 124 A Mahavir Colony, Toll-Tax, Tonk Road, San-
ganer Jaipur Rajasthan.



-----Petitioner

Versus

1. State Of Rajasthan, Through Chief Secretary, Secretariat,
Jaipur, Rajasthan.
2. Director Elementary Education, Bikaner, Rajasthan.
3. District Elementary Education Officer, District Tonk, Ra-
jasthan.
4. Panchayat Elementary Education Officer, Gothra, Teh.-
Uniyara, District-Tonk, Rajasthan.

-----Respondents

For Petitioner(s) : Mr.T.C. Sharma
For Respondent(s) : Mr.Gopal Krishan Sharma, AGC

JUSTICE ANOOP KUMAR DHAND
Order

03/10/2026

Reportable

The State must be a model employer and must discharge its obligations towards its employees with fairness, sensitivity and due diligence. Only then good governance would be possible and confidence of the employees would be maintain in the administrative machinery.

The instant case is a classic and glaring example of the functioning of Government officials. From 2024 onwards, the petitioner has been compelled to run from pillar to post merely for securing correction of her name in her service record. This is in no way, shape or form, anything other than sheer apathy on the part



of the State-Authorities. It is because of the impersonal and irresponsible approach of the concerned officers, who instead of taking an appropriate action, seek to shift the responsibility to Court and shirk to take decisions. The bureaucracy has developed an attitude inertia and does not want to take any decision, leaving the Court to resolve the matter, which ought to have been addressed by the administration itself.

1. The instant writ petition has been preferred by the petitioner with the following prayer:-

"It is therefore, most respectfully prayed that this Hon'ble Court may kindly be pleased to accept and allow this writ petition with limited prayer to directed the respondents to improve/complete the name in service record as Shakuntla Devi Sharma, instead of Shakuntla Sharma and impose the cost to appointing officer then Rs. 25,000/- and kindly be pleased a directed for compensation to petitioner for mental pain since long period Rs. 50,000/- with Advocate fees Rs. 25,000/- and other expenses Rs. 10,000/- total=Rs. 1,10,000/-.

Any other which this Honourable court deems just and proper in the facts and circumstances of the case may also be passed in favour of the petitioner;"

2. By way of filing the instant writ petition, a prayer has been made for issuing directions to the respondents to make necessary corrections in the service record with regard to the petitioner's correct name.

3. Learned counsel for the petitioner submits that the correct name of the petitioner is 'Shakuntla Devi Sharma' and she



mentioned her full name in the application form while seeking appointment to the post of Prabodhak. Thereafter, she was selected and appointed to the post of Prabodhak, but in the service record, her correct and full name 'Shakuntla Devi Sharma' was not recorded. The middle name 'Devi' was somehow deleted from the name of the petitioner in her service record. Hence, under these circumstances, the petitioner submitted a representation in the Office of the respondents in the month of July, 2023 seeking necessary rectification of the error in the service record, but no heed was paid to the said representation. Counsel further submits that adequate cost may be imposed upon the respondents as the respondents did not pay any heed to the representation submitted by the petitioner for the aforesaid purpose and compelled her to approach this Court for her rightful claim by way of filing the instant writ petition.

4. *Per contra*, learned counsel appearing on behalf of the respondents submits that the mistake in recording the petitioner's full name in the service record has occurred inadvertently. However, later on, the mistake has been corrected by the respondents vide order dated 03.04.2025 and now, her correct and full name has been entered as 'Shakuntla Devi Sharma' in her service record. Hence, under the changed circumstance, the instant writ petition has become infructuous, as no cause of action survives with the petitioner to continue with the present writ petition.

5. Heard and considered the submissions made at the Bar and perused the material available on record.





6. This petition depicts a very sorry state of affairs and reflects the causal, insensitive and apathetic approach of the respondent-department towards its own employee. An employee who has correctly mentioned her name at the time of filling up her application form is forced to litigate this matter for years only for correction of a clerical mistake committed by the department itself.

7. The petitioner applied for the post of Prabodhak mentioning her full and correct name as "Smt. Shakuntla Devi Sharma" in the application form. She participated in the entire selection process with the same name. The name in her educational certificates, Aadhaar, and all other documents is also the same. After facing the selection process, she ultimately was selected and appointed on the post of Prabodhak.

8. Shockingly, in the appointment order and consequently in her Service Book, her name was incorrectly transcribed as "Smt. Shakuntla Sharma" due to sheer negligence of the dealing clerk and the Officer who approved it without caring for the necessary verification. The petitioner submitted a representation dated 28.07.2023 (Annexure-4) and reminders for carrying out necessary and required corrections in her service record. However, the department maintained stoic silence. No order was passed, neither allowing nor rejecting. The petitioner was compelled to approach this Court.

9. After notice was issued by this Court, the respondents have suddenly become active and have corrected the name of the petitioner vide order dated 03.04.2025 issued during the





pendency of this writ petition. Thus, the mistake on their part has been admitted by the respondent.

10. This Court cannot remain a mute spectator to such harassment. The Courts are already overburdened with genuine lis. If the State and its instrumentalities compel their own employees to approach the Court for such petty, genuine and admitted corrections, which could have been done at the administrative level within a week, it amounts to gross abuse of process and creation of unnecessary litigation.

11. It is the bounden duty of a Model Employer i.e. the State, to act fairly and promptly redress the genuine grievances of its employees. When an employee writes that her name has been wrongly entered in the service record, the least expected from the department is to verify it from the application form and correct it. Instead, the file was kept gathering dust. The dealing hand, the Establishment Section and the Head of Office, all acted in a most casual manner. This is not mere negligence, it is culpable inaction.

12. The petitioner has been compelled by the respondents to approach this court and has been unnecessarily made to suffer mental agony and humiliation for no fault of hers. Her service record, which is a sacrosanct document, was allowed to carry an incorrect name for years together. Such casual approach not only harasses the employee but also shakes his/her faith in the system.

13. Time and again Hon'ble Supreme Court and this Court have deprecated the practice of forcing employees to litigation for no fault and has held that exemplary costs must be imposed to curb such tendency.





14. In the considered opinion of this Court, this is a fit case for imposition of costs to adequately compensate the petitioner and to act as a deterrent for the department so that in future, the genuine grievances of employees are not dealt with in such a cavalier fashion.

15. Hence this petition is disposed of in the following terms :

(i) The instant writ petition is rendered as infructuous in view of the subsequent correction order passed by the respondents dated 03.04.2025.

(ii) However, for compelling the petitioner to unnecessarily approach this Court for a petty correction, which was admittedly the mistake of the department itself, a cost of Rs. 10,000/- (Rupees Ten Thousand Only) is imposed upon the respondent-Department.

(iii) The said cost shall be paid to the petitioner by way of demand draft / direct transfer to her bank account within a period of six weeks from the date of receipt of certified copy of this order.

(iv) After making payment to the petitioner, the respondent-State/ Head of Department shall be at liberty to fix the responsibility and recover the said amount of Rs. 10,000/- from the salary of the delinquent officer/official who was responsible for not carrying out required correction in the name of the petitioner despite representation being filed by her and for dragging the petitioner into litigation, after issuing show cause notice to him and following due process of law.

(v) A compliance report regarding payment of cost and fixation of responsibility be submitted before this Court after eight weeks,





failing which the matter shall be listed before this Court for ensuring necessary compliance.

16. With these observations and directions, the instant writ petition stands disposed of. Stay application and all applications, pending if any, also stands disposed of.

(ANOOP KUMAR DHAND),J

25/Aayush Sharma

