

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

**S.B. Civil Writ Petition No. 2716/2019**

Pawan Lakhani S/o Shri Rajesh Harijan, Aged About 21 Years, R/o  
Outside Surajpole Gate, Harijan Basti, Kekri, District Ajmer

-----Petitioner

Versus

1. The State Of Rajasthan Through Principal Secretary, Department Of Local Bodies, Rajasthan, Secretariat, Jaipur.
2. The Director-Cum- Ex-Officio Joint Secretary, Local Self Govt. G-3, Rajmahal Palace Residential Area, Civil Phatak, 22 Godown, Jaipur
3. Executive Officer, Nagar Palika, Kekri District Ajmer
4. Sandeep Kasotiya Son Of Shri Kishan Lal, Resident Of Surajpole Gate, Harijan Basti, Kekri, District Ajmer.
5. Pinki Wife Of Ravi Kumar, Resident Of Suraj Pole, Purani Kekri.
6. Rahul Son Of Jamana Lal, Resident Of 207, Suraj Pole, Purani Kekri.
7. Rajni Wife Of Anil Kumar, Resident Of Suraj Pole Gate Ke Bahar, Kekri.
8. Maina Wife Of Shiv Charan, Resident Of Suraj Pole Gate Ke Bahar, Harijan Basti, Kekri.
9. Sugna Wife Of Hem Raj, Resident Of Suraj Pole Gate Ke Bahar, Harijan Basti, Kekri.
10. Sunita Wife Of Babu Lal, Resident Of Ward No. 4, Kekri, District Ajmer.
11. Vikas Boyal Son Of Ramesh Chand, Resident Of Suraj Pole Gate Ke Bahar, Harijan Basti, Kekri.
12. Akash Kumar, Son Of Ajad Kumar, Resident Of Suraj Pole Gate, Kekri, Ajmer.
13. Nisha Devi Wife Of Jitendra Boyat, Ward No. 9, Surajpol Gate Ke Bahar, Harijan Basti, Kekri, Ajmer, Rajasthan.
14. Sapna Wife Of Shri Basant Thezi, Avtar Mandir Ke Pass, Pasnt Nagar, Kotada, Ajmer, Rajasthan.
15. Ranjeet Boyat Son Of Shri Ramesh Chand, Aged About 28 Years, Resident Of Kadera Road, Harijan Basti, Kekri, District Ajmer (Raj.)
16. Smt. Hema Wife Of Shri Suresh, Aged About 32 Years, Ward No. 5, Harijan Colony, Kekri, Ajmer District (Raj.)
17. Smt. Jyoti Devi Wife Of Shri Vijay Kumar, Aged About 30 Years, Ward No. 4, Harijan Colony, Kekri, District Ajmer (Raj.)
18. Smt. Darshna Boyat Wife Of Shri Dhiraj Boyat, Aged About 33 Years, Resident Of Ward No. 9, Surajpol Gate Ke Bahar, Harijan Basti, Kekri, District Ajmer (Raj.)

19. Smt. Manju Devi Wife Of Shri Shiv Kumar Adiwali, Aged About 35 Years, Outside Surajpole Gate, Harijan Basti, Kekri, District Ajmer (Raj.)
20. Vijesh Tejasvi Son Of Shri Prabhu Lal, Aged About 35 Years, Outside Surajpole Gate, Harijan Basti, Kekri, District Ajmer (Raj.)
21. Sandeep Teje, Son Of Shri Jagdish Teje, Aged About 36 Years, Resident Of Ward No. 9, Outside Surajpole Gate, Harijan Basti, Kekri, District Ajmer (Raj.)
22. Smt. Samita Wife Of Shri Rajesh Boyat, Aged About 45 Years, Resident Of Surajpole Gate, Harijan Basti, Kekri, District Ajmer (Raj.)
23. Smt. Sumit Adiwali Wife Of Shri Gopal Adiwali, Aged About 29 Years, Resident Of Surajpole Gate, Harijan Basti, Kekri, District Ajmer (Raj.)
24. Smt. Sita Devi Boyat Wife Of Shri Dhanraj Boyat, Aged About 37 Years, Resident Of Ward No. 9, Outside Surajpole Gate, Harijan Basti, Kekri, District Ajmer (Raj.)
25. Smt. Ratna Devi Harijan, Wife Of Shri Mahaveer Prasad, Aged About 39 Years, Resident Of Ward No. 4, Kadera Road, Kekri, District Ajmer (Raj.)
26. Vikas Boyat Son Of Shri Chand Mal Harijan, Aged About 31 Years, Resident Of Kadera Road, Harijan Basti, Kekri, District Ajmer (Raj.)

----Respondents

**Connected With  
S.B. Civil Writ Petition No. 2847/2019**

Smt. Sumitra Harijan Widow Of Shankar Lal, Aged About 29 Years, R/o Outside Surajpole Gate, Harijan Basti, Kekri, District Ajmer.

----Petitioner

Versus

1. The State Of Rajasthan, Through Principal Secretary, Department Of Local Bodies, Rajasthan, Secretariat, Jaipur.
2. The Director-Cum- Ex-Officio Joint Secretary, Local Self Govt. G-3, Rajmahal Palace Residential Area, Civil Phatak, 22 Godown, Jaipur.
3. Executive Officer, Nagar Palika Kekri District Ajmer.

----Respondents

**S.B. Civil Writ Petition No. 656/2019**

Laxmi Harijan W/o Shri Chandra Prakash, Aged About 26 Years, R/o Kadera Road, Kekri District Ajmer Raj.

----Petitioner



Versus

1. State Of Rajasthan, Through The Director, Directorate Local Bodies, Near Civil Lines, Jaipur
2. Nagar Palika Kekri District Ajmer, Through Commissioner, Nagar Palika Kekri Distt. Ajmer
3. Executive Officer, Nagar Palika Kekri District Ajmer

----Respondents

**S.B. Civil Writ Petition No. 1759/2019**

Mahendra Kumar Parihar S/o Shri Santosh Lal, Aged About 33 Years, R/o Village Lamana, Tehsil Pisangan, District Ajmer.

----Petitioner

Versus

1. The State Of Rajasthan, Through Principal Secretary, Department Of Local Bodies, Rajasthan, Secretariat, Jaipur.
2. The Director-Cum- Ex-Officio Joint Secretary, Local Self Govt. G-3, Rajmahal Palace Residential Area, Civil Phatak, 22 Godown, Jaipur.
3. Executive Officer, Nagar Palika Kekri District Ajmer.

----Respondents

**S.B. Civil Writ Petition No. 3488/2019**

Payal Devi W/o Shri Ajay Kumar Tejesvi, Aged About 30 Years, R/o Outside Surajpole Gate, Harijan Basti, Kekri, District Ajmer

----Petitioner

Versus

1. The State Of Rajasthan Through Principal Secretary, Department Of Local Bodies, Rajasthan, Secretariat, Jaipur.
2. The Director-Cum- Ex-Officio Joint Secretary, Local Self Govt. G-3, Rajmahal Palace Residential Area, Civil Phatak, 22 Godown, Jaipur
3. Executive Officer, Nagar Palika Kekri District Ajmer

----Respondents

**S.B. Civil Writ Petition No. 3489/2019**

Priya Devi Harijan W/o Shri Ashish Kumar, Aged About 25 Years, R/o Ajmer Road, Joshi Colony, Ward No.1, Kekri, District Ajmer

----Petitioner

Versus

1. The State Of Rajasthan Through Principal Secretary, Department Of Local Bodies, Rajasthan, Secretariat, Jaipur.
2. The Director-Cum- Ex-Officio Joint Secretary, Local Self

Govt. G-3, Rajmahal Palace Residential Area, Civil Phatak,  
22 Godown, Jaipur

3. Executive Officer, Nagar Palika Kekri District Ajmer

----Respondents

**S.B. Civil Writ Petition No. 3490/2019**

Arjun K.J.G. S/o Shri Kailash Chand, Aged About 26 Years, R/o  
Ward No. 3, Harijan Basti, Sarwar, District Ajmer

----Petitioner

Versus

1. The State Of Rajasthan Through Principal Secretary,  
Department Of Local Bodies, Rajasthan, Secretariat,  
Jaipur.
2. The Director-Cum- Ex-Officio Joint Secretary, Local Self  
Govt. G-3, Rajmahal Palace Residential Area, Civil Phatak,  
22 Godown, Jaipur
3. Executive Officer, Nagar Palika Kekri District Ajmer

----Respondents

**S.B. Civil Writ Petition No. 3491/2019**

Suman Devi Harijan Widow Of Bhagchand Tejasvi, Aged About 41  
Years, R/o Outside Surajpole Gate, Harijan Basti, Kekri, District  
Ajmer

----Petitioner

Versus

1. The State Of Rajasthan, Through Principal Secretary,  
Department Of Local Bodies, Rajasthan, Secretariat,  
Jaipur.
2. The Director-Cum- Ex-Officio Joint Secretary, Local Self  
Govt. G-3, Rajmahal Palace Residential Area, Civil Phatak,  
22 Godown, Jaipur
3. Executive Officer, Nagar Palika Kekri District Ajmer

----Respondents

**S.B. Civil Writ Petition No. 3492/2019**

Rekha Harijan D/o Dharmraj, Aged About 20 Years, R/o Village  
Biliya, Tehsil Sarwar, District Ajmer

----Petitioner

Versus

1. The State Of Rajasthan, Through Principal Secretary,  
Department Of Local Bodies, Rajasthan, Secretariat,  
Jaipur.
2. The Director-Cum- Ex-Officio Joint Secretary, Local Self  
Govt. G-3, Rajmahal Palace Residential Area, Civil Phatak,  
22 Godown, Jaipur
3. Executive Officer, Nagar Palika Kekri, District Ajmer

----Respondents

**S.B. Civil Writ Petition No. 3493/2019**

Priyanka Harijan W/o Santu Goyar, Aged About 24 Years, R/o Ward No. 14, Harijan Mohalla, Village Ramsar, Tehsil Nasirabad,, District Ajmer

-----Petitioner

Versus

1. The State Of Rajasthan, Through Principal Secretary, Department Of Local Bodies, Rajasthan, Secretariat, Jaipur.
2. The Director-Cum- Ex-Officio Joint Secretary, Local Self Govt. G-3, Rajmahal Palace Residential Area, Civil Phatak, 22 Godown, Jaipur
3. Executive Officer, Nagar Palika Kekri District Ajmer

-----Respondents

**S.B. Civil Writ Petition No. 3494/2019**

Deepika Goyar D/o Om Prakash, Aged About 23 Years, R/o Datob, Tehsil Todaraisingh District Tonk

-----Petitioner

Versus

1. The State Of Rajasthan, Through Principal Secretary, Department Of Local Bodies, Rajasthan, Secretariat, Jaipur.
2. The Director-Cum- Ex-Officio Joint Secretary, Local Self Govt. G-3, Rajmahal Palace Residential Area, Civil Phatak, 22 Godown, Jaipur
3. Executive Officer, Nagar Palika Kekri District Ajmer

-----Respondents

**S.B. Civil Writ Petition No. 3495/2019**

Sunita Harijan W/o Rajesh Kumar, Aged About 42 Years, R/o Outside Surajpole Gate, Harijan Basti, Kekri, District Ajmer

-----Petitioner

Versus

1. The State Of Rajasthan Through Principal Secretary, Department Of Local Bodies, Rajasthan, Secretariat, Jaipur.
2. The Director-Cum- Ex-Officio Joint Secretary, Local Self Govt. G-3, Rajmahal Palace Residential Area, Civil Phatak, 22 Godown, Jaipur
3. Executive Officer, Nagar Palika Kekri District Ajmer

-----Respondents

**S.B. Civil Writ Petition No. 3496/2019**

Shankar Lal Harijan S/o Shri Ram Swaroop, Aged About 31 Years, R/o Village Dhundhari, Tehsil Kekri, District Ajmer

-----Petitioner

1. The State Of Rajasthan, Through Principal Secretary, Department Of Local Bodies, Rajasthan, Secretariat, Jaipur.
2. The Director-Cum- Ex-Officio Joint Secretary, Local Self Govt. G-3, Rajmahal Palace Residential Area, Civil Phatak, 22 Godown, Jaipur
3. Executive Officer, Nagar Palika Kekri, District Ajmer

----Respondents

**S.B. Civil Writ Petition No. 3497/2019**

Ravi Kumar Chawariya S/o Shri Kaluram Chawariya, Aged About 31 Years, R/o Village Juniya, Tehsil Kekri, District Ajmer

----Petitioner

Versus

1. The State Of Rajasthan, Through Principal Secretary, Department Of Local Bodies, Rajasthan, Secretariat, Jaipur.
2. The Director-Cum- Ex-Officio Joint Secretary, Local Self Govt. G-3, Rajmahal Palace Residential Area, Civil Phatak, 22 Godown, Jaipur
3. Executive Officer, Nagar Palika Kekri District Ajmer

----Respondents

**S.B. Civil Writ Petition No. 7226/2019**

Devendra Jat S/o Ramchandra Jat, Aged About 28 Years, R/o Village Ranjeetpura, Post Pranhera, Tehsil Kekri, District Ajmer.

----Petitioner

Versus

1. The State Of Rajasthan, Through Director-Cum-Ex-Officio Joint Secretary, Local Self Govt. G-3, Rajmahal Palace Residential Area, Civil Line Phatak, 22 Godown, Jaipur.
2. Executive Officer, Nagar Palika Kekri District Ajmer.

----Respondents

**S.B. Civil Writ Petition No. 2858/2022**

Sheela Devi Harijan W/o Jyoti Prakash Harijan, Aged About 37 Years, R/o Harijan Basti, Surajpole Gate, Kekri, District Ajmer

----Petitioner

Versus

1. The State Of Rajasthan, Through Principal Secretary, Department Of Local Bodies, Rajasthan, Secretariat, Jaipur.
2. The Director-Cum- Ex-Officio Joint Secretary, Local Self Govt. G-3, Rajmahal Palace Residential Area, Civil Phatak, 22 Godown, Jaipur
3. Executive Officer, Nagar Palika Kekri District Ajmer

----Respondents

**S.B. Civil Writ Petition No. 2859/2022**

Maya Devi Harijan W/o Shri Vinod Kumar, Aged About 44 Years,  
R/o Chandthali, Tehsil Sawar, District Ajmer

----Petitioner

Versus

1. The State Of Rajasthan, Through Principal Secretary,  
Department Of Local Bodies, Rajasthan, Secretariat,  
Jaipur.
2. The Director-Cum- Ex-Officio Joint Secretary, Local Self  
Govt., G-3, Rajmahal Palace Residential Area, Civil  
Phatak, 22 Godown, Jaipur
3. Executive Officer, Nagar Palika Kekri District Ajmer

----Respondents

**S.B. Civil Writ Petition No. 2860/2022**

Laxmi Devi W/o Shri Rambabu, Aged About 33 Years, R/o Harijan  
Basti, Surajpole Gate, Kekri, District Ajmer

----Petitioner

Versus

1. The State Of Rajasthan, Through Principal Secretary,  
Department Of Local Bodies, Rajasthan, Secretariat,  
Jaipur.
2. The Director-Cum- Ex-Officio Joint Secretary, Local Self  
Govt., G-3, Rajmahal Palace Residential Area, Civil Line  
Phatak, 22 Godown, Jaipur
3. Executive Officer, Nagar Palika Kekri District Ajmer

----Respondents

**S.B. Civil Writ Petition No. 4876/2023**

Vikram Panwar Harijan S/o Devi Lal, Aged About 40 Years, R/o  
Sawar, District Ajmer.

----Petitioner

Versus

1. The State Of Rajasthan, Through Principal Secretary,  
Department Of Local Bodies, Rajasthan, Secretariat,  
Jaipur.
2. The Director-Cum- Ex-Officio Joint Secretary, Local Self  
Govt. G-3, Rajmahal Palace Residential Area, Civil Line  
Phatak, 22 Godown, Jaipur.
3. Executive Officer, Nagar Palika Kekri, District Ajmer.

----Respondents

**S.B. Civil Writ Petition No. 4885/2023**

Lalita Harijan D/o Laxminarayan, Aged About 35 Years, R/o  
Surajpol Gate Ward No. 9, Kakari Distt. Ajmer.

----Petitioner



1. The State Of Rajasthan, Through Principal Secretary, Department Of Local Bodies, Rajasthan, Secretariat, Jaipur.
  2. The State Of Rajasthan, Through Director-Local Body G-3, Rajmahal Palace Residential Area, Civil Line Phatak, 22 Godown, Jaipur.
  3. Executive Officer, Nagar Palika, Kekri District Ajmer.
- Respondents
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For Petitioner(s) : Mr. M.I. Abbasi  
Mr. Sudarshan Kumar Laddha

For Respondent(s) : Mr. Neeraj Batra, GC  
Mr. Mahendra Shah Sr. Adv. assisted  
by Mr. Kamlesh Sharma  
Mr. Nakul Bansal  
Ms. Gunjan Chawla  
Mr. Ravinder Pal Singh

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**HON'BLE MR. JUSTICE SUDESH BANSAL**  
**Order**

**26/11/2024**

1. Heard learned counsel for petitioners, counsels for respondent-Nagar Palika, Kekri and private respondents.
2. The issue involved in this batch of writ petitions is identical in nature, hence, with the consent of respective counsel for the parties, all writ petitions have been heard together and would stand decided by this common order.
3. Petitioners, in all writ petitions, have assailed their respective orders of termination dated 26.12.2018, 04.02.2022 and 09.03.2023, issued by the Executing Officer, Nagar Palika Kekri, District Ajmer, cancelling the appointment of petitioners as Safai Karamchari on account of non-verification of their experience certificates. The case of petitioners is that they were appointed on regular basis as Safai Karamchari in the Nagar Palika, Kekri, District Ajmer as per the procedure envisaged under the



Rajasthan Safai Karamchari Service Rules, 2012 (for short, "Rules of 2012"), pursuant to the Advertisement No.01/2018 dated 13.04.2018 and they submitted experience certificates of one year as required under the Rules (Amended). Post to their appointment, few complaints by the private respondents and others were made alleging submission of false experience certificates by the appointees, hence, the Nagar Palika issued notices to the petitioners to submit verification of their respective experience certificates within a period of 15 days and thereafter vide impugned orders, their appointments have been cancelled, on the ground that petitioners failed to submit sufficient proof/ verification of their experience certificates.

4. Counsel for petitioners submits that the entire process of appointment of Safai Karamchari pursuant to the Advertisement No.01/2018 dated 13.04.2018 under the Rules of 2012 through lottery system was questioned by filing writ petition before High Court on various grounds including the irregularities/ illegalities in adopting the lottery system for selection, appointment of ineligible candidates on account of having more than two children after the cut off date, transgression by the candidates belonging to reserved category over the seats of General category candidates and submitting false and forged experience certificates etc. The writ petitions were decided and the matter reached before the Division Bench of Rajasthan High Court at Principal Seat Jodhpur, in lead case **D.B. Spl. Appl. Writ No.1733/2018** titled as '**Virendra Kumar Vs. State of Rajasthan and Ors.**' and other connected matters. The Division Bench, dealt with all the grounds

elaborately and vide final judgment dated 09.08.2019, disposed of the appeals with following observations:-

“32. Keeping the principle enunciated in Dash (supra), it is evident from the facts in the present set of appeals that the recruitments, which were initiated in 2012, were bogged down by litigation; the earmarking of vacancies, the lottery system, allegations of introduction of the lottery system mid-stream, increase in the number of vacancies, etc became the subject matter of multiple writ petitions which led to court interventions on about five occasions. The incomplete recruitment, (incomplete because some vacancies had been filled up but in regard to others either the process had not been completed, or the select lists not fully operated), and vacancies accruing later, were all combined; those who could not be appointed, due to the discontinuance of the selection process (of 2012) were allowed to participate in the fresh process; they were afforded age relaxation, apart from those candidates who fulfilled the eligibility criteria. In these circumstances, the State’s decision to carry out the entire exercise afresh, after combining the left-over vacancies (of 2012) cannot be faulted. This contention, therefore, fails. Likewise, in the opinion of the court, the petitioners in Ravindra have not made out a cause for intervention; that names of some of them were included in the select list, cannot be the basis for holding the 2018 recruitment arbitrary; nor can they enforce any right, as candidates selected in the 2012 recruitment process. Clearly, the vacancies from that selection process could be clubbed with later vacancies and made subject of a fresh recruitment process. No rule or regulation, or binding norm which precluded the State from holding a recruitment in respect of such combined vacancies was shown to the court.

33. As far as the last contention, with regard to inclusion of names of ineligible candidates,

or those who submitted false information or declarations (with respect to their fulfilling any eligibility condition, or their applying for more than one vacancy, or more than one member of the same family applying, contrary to terms of the advertisement is concerned) this court is of the opinion that the state should take expeditious action to delete their names from the select list, in accordance with law. In the case of candidates whose names were deleted, it is a matter of record that many of them have approached the court. Their names shall be dealt with in accordance with the final order of the court, in their cases.

34. As a result of the above discussion, the appeals have to succeed in part; the respondent State shall draw the select list, after excluding the names of those reserved category candidates, who were granted age relaxation, and were afforded the opportunity of participation in the selection through draw of lots, for the open category. A fresh select list, based upon a new draw of lots to be conducted from amongst names of all eligible candidates, (excluding those reserved category candidates who had availed age relaxation benefits, but were allowed a second chance in the draw of lots for the general category candidates) shall be prepared, in respect of balance vacancies. The respondents shall also ensure that names of ineligible candidates, or those who made false declarations are suitably removed, in accordance with law; this is subject to the final outcome of the proceedings initiated by such candidates.

35. In the light of the foregoing discussion, the appeals are partly allowed; all applications too are therefore, disposed of."

5. It has been pointed out by the counsel for petitioners that an another writ being **S.B. Civil Writ Petition No.18842/2018** titled as '**Dinesh Kumar Vs. State of Rajasthan**' was also filed raising an issue of appointment of ineligible candidates on the post

of Safai Karamchari by the Nagar Palika, Kekri District Ajmer and this writ petition was filed by few of the private respondents herein. This writ petition too came to be disposed of vide order dated 19.09.2019 in the light of directions passed by the Division Bench in case of **Virendra Kumar** (*supra*).

6. It has been contended by the counsel for petitioners that in furtherance to such directions in respect of re-considering the appointment of Safai Karamchari at Nagar Palika, Kekri, a General Body Meeting of Municipal Board, Kekri was convened on 03.02.2022. Detailed inquiry on all the points was held. In the meeting, the agencies which issued the experience certificates, viz. (I) Rajasthan Solid Waste Management Sansthan, Ajmer, (II) Bhoomi Enterprises, Ajmer and (III) M/s. Kataria Constructions, Kekri, also appeared and the experience certificates, which were issued by such agencies in favour of the respective appointees, who have been selected on the post of Safai Karamchari, were duly verified. The conclusion arrived at in the inquiry is available on record, which covers all other points as well.

It is noteworthy here that in batch of present writ petitions, this Court is concerned with the issue of verification/ non-verification of the experience certificates of appointees-petitioners on account of which their appointment orders have been cancelled, hence, this Court is considering the conclusion/ decision of meeting in that context only.

7. In the meeting, inquiry dated 01.02.2022, point No.4 was in respect of cancellation of appointment of as many as 34 Safai Karamcharis, particularly on account of non-verification of their

experience certificates. Petitioners are among such 34 Safai Karamcharis. It has been finally held and observed in the meeting that the experience certificates issued in favour of such 34 Safai karamcharis are genuine and valid. Since in respect of present petitioners, the writ petitions against their cancellation of appointment orders were *sub-judice* before this Court, no decision to continue the services of present petitioners was taken, though in respect of other similarly situated Safai Karamcharis, who have not preferred the writ petition, but their appointment was also cancelled, were allowed to continue in service. In the conclusion/ decision of meeting dated 04.02.2022, the names of petitioners have been tabulated from Serial No.1 to 21, incorporated in the minutes of meeting dated 03.02.2022. The decision of meeting/ conclusion of inquiry has been placed on record by petitioners along with rejoinder as Annexure-6 in **SB Civil Writ Petition No.2847/2019** titled as '**Sumitra Harijan Vs. State of Rajasthan & Ors.**

8. Counsel for petitioners have urged that in the light of conclusion/ decision arrived at after inquiry and of the meeting dated 03.02.2022, the cancellation of appointment orders of the petitioners is liable to be quashed, more over, other similarly situated Safai Karamcharis have been allowed to be continued in service. Such issue has already been decided by the Coordinate Bench of this Court at Principal Seat, Jodhpur, in a batch of writ petitions lead case **S.B. Civil Writ Petition No.13292/2020** titled as '**Payal Vs. State of Rajasthan & Anr.** and other connected writ petitions, vide order dated 02.08.2024. Hence, it

has been prayed that the impugned orders be quashed and petitioners be allowed to continue in service in continuity with all consequential benefits pursuant to their respective appointment orders on the post of Safai Karamchari.

9. It is noteworthy here that in these writ petitions, vide interim orders, the operation of impugned termination orders was stayed and petitioners were allowed to continue to render their services as Safai Karamchari, thus, under interim orders, petitioners are presently discharging their duties as Safai Karamchari in the Nagar Palika, Kekri.

10. The Government Counsel, Mr. Neeraj Batra, appearing on behalf of Nagar Palika, Kekri, District Ajmer has not disputed the decision dated 04.02.2022 taken in General Body Meeting held on 03.02.2022 and does not dispute that the experience certificates submitted by petitioners have been declared as valid as much as other similarly situated persons have also been allowed to continue in services in pursuance thereof. The Government Counsel does not dispute validity of the experience certificates produced by the respective petitioners herein and submits that appropriate orders be passed by this Court.

11. Learned Senior Counsel appearing on behalf of private respondents and interveners although have not filed any reply to writ petitions, however, has sought to resist these writ petitions, placing reliance on an Inquiry Report dated 12.09.2018 placed on record alongwith their application for impleadment in SBCWP No.2716/2019. Learned counsel submits that the private respondents made the complaints against the illegalities in

appointment of Safai Karamchari at Nagar Palika, Kekri and in the inquiry, experience certificates of petitioners were found forged. In that connection, learned counsel has referred the judgment dated 09.08.2019, passed by the Division Bench in case of **Virendra Kumar** (*supra*) and the order dated 19.09.2019 passed by the learned Single Judge in case of **Dinesh Kumar** (*supra*).

It is to be noted that in respect of decision of the Municipal Board, Kekri of the General Meeting dated 03.02.2022 and taken after inquiry of true facts, learned counsel for the private respondents and interveners have not commented.

12. It appears that private respondents were allowed to be made party in SBCWP No.2716/2019 on their application for impleadment but in SBCWP No.656/2019 their application for impleadment has been disposed of by the Coordinate Bench vide order 27.02.2024, allowing them to intervene in the matter. If similar nature of application by the private respondents has been filed in any other writ petition then, same be treated as disposed of in the same terms. The opportunity of hearing to the private respondents has been accorded.

13. Having considered the rival contentions of the respective counsel for the parties and having perused the material available on record, it is explicitly clear that petitioners were given appointment as Safai Karamchari pursuant to the vacancies advertised in Municipal Board, Kekri, Ajmer through Advertisement No.1/2018. It is undisputed that the appointment of petitioners is in accordance with the statutory Rules of 2012 (Amended). The appointment of petitioners were cancelled vide impugned orders



only on account of non-verification of their respective experience certificates, submitted by them. The anomaly/irregularity/invalidity of the experience certificates was one of the issue under consideration before the Division Bench in case of **Virendra Kumar** (*supra*).

14. In furtherance to the direction passed by the Division Bench in case of **Virendra Kumar** (*supra*) vide judgment dated 09.08.2019, the issues have been considered by the Municipal Board, Kekri, Ajmer, in its General Body Meeting held on 03.02.2022 and after inquiry and verification of facts, the decision dated 04.02.2022 has been taken. The decision of Municipal Board, Kekri, Nagar Palika dated 04.02.2022 is available on record in SBCWP No.2847/2019. In the decision, the Municipal Board has held and observed that the experience certificates submitted by petitioners are genuine and valid. The other similarly situated Safai Karamcharis, whose appointment were also canceled due to non-verification of experience certificates, have been allowed to continue by the Municipal Board, pursuant to such decision dated 04.02.2022, however, no orders were passed by the Nagar Palika, Kekri District Ajmer in respect of petitioners only due to pendency of the present writ petitions. Even otherwise, the Nagar Palika, Kekri, District Ajmer does not dispute the validity of the experience certificates, submitted by petitioners herein, hence the cancellation orders of appointment of petitioners, doubting the validity of their experience certificates, are not liable to be sustained.

15 In addition, the issue of validity of experience certificates of petitioners as per Rules of 2012, has been decided on merits by the Coordinate Bench at Principal Seat, Jodhpur in the case of **Payal** (*supra*). The *ratio decidendi* squarely applied to this batch of writ petitions as well.

16. Thus, as far as issue in respect of cancellation of appointment of petitioners, on account of non-verification of their respective experience certificates is concerned, this Court finds that no controversy survives between the petitioners and the Municipal Board, Kekri, Ajmer.

17. As far as objection of private respondents-intervenors, placing reliance on the previous Inquiry Report dated 12.09.2018 is concerned, their objections were to be considered in the light of directions passed by the Division Bench in in case of **Virendra Kumar** (*supra*). The private respondents too raised the similar issue of ineligibility in respect of appointment of petitioners in the case of **Dinesh Kumar** (*supra*). This writ petition was disposed of vide order dated 19.09.2019 in the light of directions passed by the Division Bench vide judgment dated 09.08.2019. Thus, the objections raised by the private respondents have already been considered in previous writ petition of **Dinesh Kumar** (*supra*). Now the conclusion of Inquiry Report and decision dated 04.02.2022 are binding on all the parties. The issue is otherwise squarely covered by the order of Coordinate Bench dated 02.08.2024 passed in case of **Payal** (*supra*). In that view of the matter, the cancellation orders of appointment of petitioners deserves to be quashed.

Needless to reiterate that petitioners are already discharging their duties pursuant to their appointment orders, though under the interim orders passed by this Court, hence, it is hereby observed that services of petitioners be treated in continuity from the date of their respective appointment orders and all consequential financial benefits be accorded to the petitioners.

18. As a result, all writ petitions succeed and are hereby allowed. The impugned orders of cancellation of appointment of petitioners are hereby quashed and set aside. Petitioners are entitled to get all consequential benefits including seniority, revision of pay scale and other financial benefits, treating them in continuity in service, pursuant to their respective appointment orders.

19. Accordingly, all writ petitions stand disposed of. All pending application(s), if any, stand(s) disposed of.

20. A copy of this order be placed in connected files.

**(SUDESH BANSAL),J**