



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

S.B. Civil Writ Petition No. 21163/2025

Lal Singh Chouhan S/o Laxman Singh Chouhan, Aged About 58
Years, Prithvi Raj Nagar, Udaipur Road, District Banswara,
Rajasthan.

----Petitioner

Versus

1. State Of Rajasthan, Through Secretary, Department Of Rural Development And Panchayati Raj, Government Of Rajasthan, Secretariat, Jaipur.
2. The Secretary, Department Of Education, Government Of Rajasthan, Secretariat, Jaipur.
3. The Chief Executive Officer, Zila Pairshad, Banswara.
4. The Vikas Adhikari, Panchayat Samiti Ghatol, District Banswara.
5. The District Education Officer (Headquarters), Elementary Education, District Banswara.

----Respondents

For Petitioner(s) : Mr. Lokesh Mathur
For Respondent(s) : Mr. Kamlesh Sharma
Mr Nilesh Choudhary for
Mr. Kuldeep Vaishnav

HON'BLE MR. JUSTICE FARJAND ALI

Order

Reportable-

DATE OF CONCLUSION OF ARGUMENTS	23/03/2026
DATE ON WHICH ORDER IS RESERVED	23/03/2026
FULL ORDER OR OPERATIVE PART	Full Order
DATE OF PRONOUNCEMENT	12/05/2026

BY THE COURT:-

1. By way of the instant writ petition, the petitioner has invoked the extraordinary writ jurisdiction of this Court under Article 226 of the Constitution of India assailing the legality, propriety and



validity of the order dated 23.09.2025 passed by the District Education Officer (Headquarters), Elementary Education, Banswara, whereby the petitioner has been placed under suspension while serving on the post of Teacher Grade-III (Level-I).



1.1. The petitioner has further challenged the memorandum of charge-sheet of even date, alleging misconduct on the premise that certain comments purportedly made by the petitioner on social media were allegedly against the concerned Minister and were stated to be in bad taste, thereby allegedly tarnishing the image of the department and the Minister concerned.

2. Briefly stated, the facts necessary for adjudication of the present controversy are that pursuant to the meeting of the District Establishment Committee held on 29.05.2003, the petitioner came to be duly selected and appointed on the post of Teacher Grade-III and was initially allotted Panchayat Samiti Peepal Khunt. Thereafter, vide order dated 08.07.2003 issued by the Chief Executive Officer, Zila Parishad, Banswara, the petitioner was allotted Panchayat Samiti Ghatol, District Banswara.

2.1. Subsequently, vide order dated 14.07.2003 issued by the Additional Vikas Adhikari, Elementary Education, Panchayat Samiti Ghatol, posting orders were issued in favour of the petitioner and since then the petitioner has been continuously discharging his duties. While the petitioner was serving on the aforesaid post, the impugned order dated 23.09.2025 came to be passed by the District Education Officer (Headquarters), Elementary Education,



Banswara placing the petitioner under suspension. The said order, conspicuously, neither refers to any statutory provision under which such power has been exercised nor records any satisfaction contemplated under law warranting suspension.



2.2. It is further borne from the record that on the very same date i.e. 23.09.2025, a memorandum of charge-sheet was issued to the petitioner alleging that certain comments made on WhatsApp/social media by the petitioner were inappropriate and had allegedly caused embarrassment to the department and attempted to tarnish the image of the concerned Minister. Being aggrieved by the aforesaid order of suspension, the petitioner has approached this Court by way of the present writ petition.

3. Learned counsel for the petitioner vehemently contended that the impugned order of suspension is ex facie arbitrary, dehors the statutory framework and wholly without jurisdiction. It was argued that under Rule 13 of the Rajasthan Civil Services (Classification, Control and Appeal) Rules, 1958, an order of suspension can only be passed by the competent authority empowered under the Rules. However, in the present case, the impugned order has been passed by the District Education Officer, who is admittedly not the appointing authority of the petitioner and lacks competence to invoke such drastic power. It was further submitted that the impugned order does not disclose any statutory provision under which the petitioner has been suspended and therefore the same suffers from inherent illegality.



3.1. Learned counsel further argued that suspension cannot be resorted to merely because certain allegations are levelled against an employee unless the action is strictly traceable to a statutory provision. The allegations pertaining to social media comments, even if presumed to be existing, could at best be subject matter of an inquiry, however, in absence of statutory sanction, the order of suspension cannot survive. It was also contended that the impugned action reflects colourable exercise of power and amounts to arbitrary executive overreach.

4. Per contra, learned counsel appearing for the respondents supported the impugned action and submitted that the petitioner had made objectionable and unbecoming comments on social media against the concerned Minister, which adversely affected the image of the department and amounted to misconduct. It was submitted that the conduct of the petitioner was prejudicial to departmental discipline and therefore disciplinary proceedings were initiated against him.

4.1. The respondents further submitted that the authorities were justified in placing the petitioner under suspension considering the seriousness of allegations and the possible adverse impact upon institutional discipline and public perception.

5. Heard learned counsel for the parties and perused the material available on record.

6. The foundational issue arising for consideration before this Court is not with regard to the propriety or impropriety of the alleged comments attributed to the petitioner, but rather the



legality and jurisdictional sanctity of the impugned order of suspension dated 23.09.2025.

6.1. A meticulous perusal of the impugned order reveals that the same is conspicuously silent regarding the statutory source of power under which the petitioner has been placed under suspension. The order neither refers to Rule 13 of the Rajasthan Civil Services (Classification, Control and Appeal) Rules nor to any other enabling provision conferring authority upon the District Education Officer to exercise such drastic power.

6.2. The concern articulated by the respondents appears to be that the petitioner, by making alleged comments on WhatsApp/social media, attempted to tarnish the image of the concerned Minister. The material placed on record includes a communication wherein it has been mentioned that "WhatsApp par kiye gaye ashobhniya comments se Mantri ji ki chhavi ko dhumil karne ka prayas kiya gaya hai." At the highest, such allegations may furnish a basis for holding a departmental inquiry in accordance with law. However, executive displeasure or perceived embarrassment cannot substitute statutory authorization.

6.3. This Court is constrained to observe that in a democratic polity governed by rule of law, every administrative action affecting civil consequences must trace its legitimacy to a statutory provision. Suspension is not an ornamental or unfettered executive prerogative; rather, it is a serious measure having adverse civil ramifications upon the employee concerned.





Therefore, the same can only be exercised strictly within the confines of law.

6.4. Rule 13 of the Rules of 1958 occupies the field governing suspension of government servants. The said Rule circumscribes both the authority competent to suspend and the circumstances under which such power may be exercised. The respondents have failed to demonstrate before this Court any independent statutory provision empowering the District Education Officer to place the petitioner under suspension de hors Rule 13.

6.5. Merely because allegations are levelled that the image of a Minister has been sought to be tarnished does not bestow unbridled authority upon administrative officers to invoke suspension according to their subjective satisfaction. In a constitutional framework governed by legal discipline, authorities cannot assume unto themselves powers not vested by law.

6.6. The District Education Officer is indeed a statutory functionary, but certainly not the ruler of a dynasty empowered to govern according to personal predilections or administrative absolutism. His authority emanates solely from statute and must remain confined within statutory boundaries. Any departure therefrom would amount to colourable exercise of power and administrative arbitrariness. The respondents were unable to point out any provision other than Rule 13 under which the impugned suspension order could have been passed. Once the action lacks statutory foundation, the same becomes unsustainable in the eye of law.





6.7. It is trite that when a statute prescribes a particular manner for doing an act, the same must be done in that manner alone and in no other manner. Administrative convenience or subjective perception cannot supplant mandatory legal requirements.



6.8. This Court is therefore of the considered opinion that the impugned order dated 23.09.2025 passed by the District Education Officer (Headquarters), Elementary Education, Banswara suffers from patent lack of jurisdiction and cannot be sustained.

7. Accordingly, the writ petition deserves to be allowed. The impugned order dated 23.09.2025 passed by the District Education Officer (Headquarters), Elementary Education, Banswara placing the petitioner under suspension is hereby quashed and set aside. The respondents are directed to reinstate the petitioner in service forthwith with all consequential benefits in accordance with law. Pending applications, if any, also stand disposed of.

8. Needless to say, if any inquiry is underway, the same may be concluded in accordance with the procedure established by law.

8. No order as to costs.

(FARJAND ALI),J

78-Mamta/-