HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

(1) S.B. Civil Writ Petition No. 743/2020

Suresh S/o Sukhdev Ram, Aged About 27 Years, (Physically Handicapped Candidate-Ol, Marks Obtained 51.807 Percent), Resident Of Village Nimbola Kallan, Tehsil Degana, District Nagaur (Raj.), Mobile Number-9783300059.

----Petitioner

Versus

1. State Of Raj., Through Its Additional Chief Secretary, Medical And Health Services, Secretariat, Jaipur.
2. Additional Director (Admn.), Medical And Health Services, Swasthya Bhawan, Jaipur.

----Respondents

(2) S.B. Civil Writ Petition No. 1061/2020

Ramlal Naik S/o Sukharam, Aged About 23 Years, (Dob-15.05.1996), Category - Sc, R/o Sarkari School Ke Pass, Raowala, Barsalpur, District - Bikaner (Rajasthan) Pin 334305.

----Petitioner

Versus

1. State Of Rajasthan, Through The Additional Chief Secretary, Medical And Health And Family Welfare Department (Govt Of Rajasthan), Government Secretariat, Jaipur- 302005 (Rajasthan).
2. Additional Director (Administration), Medical And Health Services, Swasthya Bhawan Tilak Marg, C-Scheme, Jaipur-302005 (Rajasthan).

----Respondents

(3) S.B. Civil Writ Petition No. 1210/2020

Mohammed Rizwan S/o Shri Mohammed Salim, Aged About 33 Years, Resident Of 104, Mastan Baba Colony, Pali (Raj.) Mobile No. 9928191111.

----Petitioner

Versus

1. State Of Rajasthan, Through Its Additional Chief Secretary, Medical And Health Services, Secretariat, Jaipur.

2. Additional Director (Admn.), Medical And Health Services, Swasthya Bhawan, Jaipur.

3. Dr. Sampurnanand Medical College, Shastri Nagar, Jodhpur Through Its Principal.

----Respondents

(4) S.B. Civil Writ Petition No. 1955/2020

Dunga Ram Gurjar S/o Hardev Lal Guarjar, Aged About 27 Years, R/o Village Gariyakheda, Chatarpura, Tehsil Badnor, District Bhilwara (Raj.).

----Petitioner

Versus

1. The State Of Rajasthan, Through Its Secretary, Medical Health And Family Welfare, Govt. Of Rajasthan, Jaipur.

2. Additional Director (Admn), Medical And Health Services, Swasthya Bhawan, Jaipur.

----Respondents

(5) S.B. Civil Writ Petition No. 2271/2020

Indra Jeet S/o Shri Udai Ram, Aged About 31 Years, (Physically Handicapped Candidate-BI, Marks Obtained 47.20), Resident Of Village Sarangwas, Near Main Bus Stand, Post Sehwaj, Tehsil Sojat City, District Pali (Raj.), Mobile Number 9828678261.

----Petitioner

Versus

1. State Of Rajasthan, Through Its Additional Chief Secretary, Medical And Health Services, Secretariat, Jaipur.

2. Additional Director (Admn.), Medical And Health Services, Swasthya Bhawan, Jaipur.

3. Govt. Medical College, Pali, Through Its Principal.

----Respondents

For Petitioner(s)	:	Mr. Yashpal Khileree Mr. Rajak Khan, Mr.Rishabh Tayal – All through CISCO Webex App
For Respondent(s)	:	Mr. K.S. Rajpurohit, AAG with Mr. Shreyansh Mehta Dr. Imran Sheikh – present in person

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JUSTICE DINESH MEHTA

Judgment

15/12/2020

1. These petitioners applied for the post of Nurse Grade-II, pursuant to advertisement dated 30.05.2018. Petitioners having disability certificates of PH – OL, claimed their appointment against the posts reserved for PH category.

2. The respondents have rejected their candidature, treating them to be under the category of 'PH BL' or 'other category PH'.

3. Except for change in the post - 'Nurse Grade-II' and the date of advertisement - 30.05.2018, facts and basic controversy are identical to the one involved in SB Civil Writ Petition No.104/2020 (Anadu Vs. State of Rajasthan & Ors.), which has been allowed by this Court today.

4. Following the judgment rendered in the case of Anadu (supra), these writ petitions are also allowed.

(i) The petitioners shall appear in the Office of respondent No.2 on **28th December, 2020 at 11 am**. Respondent No.2 or his nominee shall examine petitioners' original disability certificate(s) and if their certificate(s) show(s) them to be having 40% or more disability in one leg, they shall be treated eligible.

(ii) The respondents shall, thereafter, prepare fresh select list for PH category and place the eligible petitioners (after verification of documents) at appropriate place in the select list, of course according to their category.

(iii) Appointment orders be issued latest by 31st of January, 2021. (iv) The petitioners shall produce a certificate of fitness issued by a competent Medical

Authority notified by the Government for this purpose. The certificate should clearly indicate that petitioners' physical difficulty is not likely to interfere with the efficient performance of their duties as Nurse Grade-II, as stipulated in Rule 13 of the Rules of 1965. The competent authority shall not be influenced by the medical reports, which have been discarded by this Court and record his independent finding on his own assessment.

5. Stay petitions too stand disposed of accordingly."

(DINESH MEHTA),J

ArunV/- (m-4, 5, 7, 11 & 13)

RAJASTHAN HIGH COURT

