HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 14393/2024

Hakimuddin S/o Shri Kader Bax, Aged About 50 Years, R/o 551, Masijad Ke Pas Ka Paota, Jaipur -303106

----Petitioner

Versus

1. State Of Rajasthan, Through The Principal Secretary, Medical And Health Department Govt. Secretariat, Jaipur.
2. The Director, Medical And Health Services, Swasthya Bhawan, Tilak Marg, C-Scheme, Jaipur.
3. The Additional Director (Non Gazetted), Medical And Health, Swasthya Bhawan, Tilak Marg, C- Scheme, Jaipur.
4. The Director, State Institute Health And Family Welfare, Institutional Area, Jhalana Doongri, Jaipur.

----Respondents

Connected With

S.B. Civil Writ Petition No. 18086/2024

Raksha Kumari D/o Shri Girdhari Lal W/o Shri Mohan Lal, Aged About 35 Years, Resident Of Solanki Darwaja, Bahar Raigar Mohalla, Ward No. 10, Devgarh, Rajsamand-313331 (Raj.)

----Petitioner

Versus

1. State Of Rajasthan, Through The Principal Secretary, Medical And Health Department, Government Secretariat, Jaipur (Raj.)
2. The Director (Non-Gazetted), Medical And Health Services, Swasthya Bhawan, Tilak Marg, C-Scheme, Jaipur (Raj.)
3. State Institute Of Health And Family Welfare, Through Its Director, Office At Jhalana Dongri, Jaipur

----Respondents

S.B. Civil Writ Petition No. 10430/2024

Santosh Chouhan S/o Sh. Indraj Chouhan, Aged About 27 Years, Permanent Resident Of Ward No. 11, Gokulpura, Chak 16 Rwd, Nohar, Hanumangarh - 335523, Presently Residing At

55, Balaji Vihar, Badarwas, Mansarovar, Jaipur (Rajasthan).

----Petitioner

Versus

1. State Of Rajasthan, Through The Addl. Chief Secretary, Department Of Medical, Health And Family Welfare, Secretariat, Jaipur.
2. Director, (Non-Gazetted) Medical And Health Services, Tilak Marg, Jaipur.
3. Registrar, State Institute Of Health And Family Welfare (SIHFW), Jhalana Institutional Area, South Of Doordarshan Kendra, Jaipur, Rajasthan.
4. Mission Director, National Health Mission (N.H.M.), Medical And Health Department, Swasthya Bhawan, Tilak Marg, C-Scheme, Jaipur.

----Respondents

For Petitioner(s)	:	Mr. Tanveer Ahmed Mr. Swapnil Singh Patel
For Respondent(s)	:	Mr. Archit Bohra, AGC

HON'BLE MR. JUSTICE SAMEER JAIN

Order

12/12/2024

Learned counsel for the petitioner has submitted that the instant matters are squarely covered by the judgment passed by Co-ordinate Bench of the Court at Principal Seat, Jodhpur in **Arjun Sain vs. State of Rajasthan & Ors.** registered in **SBCWP No. 10256/2024.** Further, while placing reliance upon the para 7 and 12 of the judgment passed in **Arjun (supra)** it is submitted that the petition in the above said case was allowed and categorical directions were given to the respondents to award 15 marks bonus marks to the petitioner on the basis of experience certificate, irrespective of the fact that the said certificate was obtained prior

or to or after registration with the Rajasthan Para Medical Council**.**

The relevant portion of the above cited is reproduced as below:-

> *"7. Learned Additional Advocate General relied upon the judgment rendered by a Co-ordinate Bench of this Court in the case being* ***S.B. Civil Writ Petition No.15214/2023 : Madhav Singh vs. State of Rajasthan & Ors.*** *decided on 21.11.2023. He also relied upon another judgment rendered by the Hon'ble Supreme Court in the case of* ***Indian Airlines & Ors. vs. S. Gopalakrishnan reported in (2001) 2 SCC 362.*** *He, therefore, prays that the writ petition filed by the petitioner may be dismissed.*
>
> *12. The argument of learned Additional Advocate General that the petitioner is not entitled for grant of bonus marks on the ground that, while discharging the duties as Lab Technician in the respondent-Department at that relevant point of time, he was not holding the certificate of registration by the Rajasthan Para-Medical Council is noted to be rejected on the ground that the notification/advertisement dated 31.05.2023 neither prescribes nor mandates any condition that only those experience certificates will be considered for grant of bonus marks which have been issued by the respondent authorities for the work done by a candidate after obtaining the certificate of Registration by the Rajasthan Para-Medical Council. The advertisement/notification also does not speak about a condition that only the work experience of a candidate will be considered who has performed the work of Lab Technician or Lab Assistant after obtaining the certificate of registration of the Rajasthan Para-Medical Council. The condition mentioned in the advertisement is that, as of the date on which an application is filed, the candidate must hold requisite qualifications as enumerated in the advertisement including the certificate of registration with the Rajasthan Para-Medical Council. Since the petitioner is meeting both the criteria mentioned therein, therefore, there is no valid reason for the respondents to deny the award of 15 bonus marks on the basis of the certificate of experience produced by him."*

Per contra, learned counsel for the State has relied upon the dictum cited in **Madhav Singh vs. State of Rajasthan & Ors.** registered as **SBCWP No. 15214/2023** which is decided on

21.11.2023 by the Co-ordinate Bench of the Court at Principal Seat, Jodhpur.

It is further submitted that appeal has been preferred against the judgment passed in **Arjun Sain (supra).**

Heard and considered.

Considering the arguments advanced by learned counsel for the parties, this Court is of the opinion that the issue in the instant matters is no more *res integra* and is adjudicated by the **Arjun Sain (supra)** wherein, the judgment cited by the learned counsel for the State i.e., **Madhav Singh (supra)** was duly considered and Court clearly stated that the said judgment is on distinct factual matrix and circumstances as that of **Arjun Sain (Supra)**, and the issue qua registration with the Para Medical Council for award of bonus marks was also duly considered in the **Arjun Sain (supra)**.

Accordingly, in light of **Arjun Sain (supra),** the instant petitions are allowed.

Pending application(s), if any, shall stand disposed of.

(SAMEER JAIN),J

ANIL SHARMA /48-49-445