HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

S.B. Civil Writ Petition No. 3462/2025

1. Suresh Kumar S/o Vagtaram, Aged About 24 Years, R/o 192, Meghwalo Ka Vas, Village- Andor, Po Palri M, Dist. - Sirohi (Raj.).
2. Vipendra Singh S/o Shri Man Singh, Aged About 23 Years, R/o Village-Chhibaganv, Tehasil-Sheoganj, Dist.-Sirohi (Raj.).

----Petitioners

Versus

1. The State Of Rajasthan, Through Its Principal Secretary, Department Of Medical And Health Services, Secretariat, Jaipur (Raj.).
2. The Director (Public Health), Medical And Health Services, Rajasthan, Jaipur (Raj.).
3. The Director (Non-Gazetted), Medical, Health And Family Welfare Department, Swasthya Bhawan, Tilak Marg, Jaipur (Raj.).
4. The Additional Director, (Hospital Administration), Government Medical Services, Jaipur (Raj.).
5. The Chief Medical And Health Officer, Sirohi.

----Respondents

For Petitioner(s) : Mr. Mahip Singh
For Respondent(s) : Mr. Tanuj Jain

JUSTICE DINESH MEHTA

Order

04/02/2025

1. While informing that petitioners are working as Urgent Temporary Basis on the post of Lab Technician, learned counsel for the petitioners submitted that the controversy involved in the present case is squarely covered by a judgment rendered by this Court in **S.B. Civil Writ Petition No.12243/2024 (Shruti**

Moyal & Ors. V/s State of Rajasthan & Ors.), decided on 30.07.2024.

2. In the case of Shruti Moyal, the following order was passed:-

> *"1. Heard learned counsel for the petitioners.*
>
> *2. The present writ petition has been filed with the following prayers:-*
>
> *"A. the action of the respondents while terminating the services of the petitioners from the post of Assistant Radiographer, Lab Technician and Assistant lab Technician on the ground of availability of regularly selected Lab Technicians despite the fact that posts are still lying vacant, may kindly be declared per se illegal, arbitrary and contrary to the provisions of Constitution of India.*
>
> *B. The impugned orders dated 12.07.2014 (Annexure-7) may kindly be quashed and set aside.*
>
> *C. The impugned termination order of petitioner No.1 dated 10.07.2024 (Annexure-8) and order dated 10.07.2024 (Annexure-9) by which services of petitioners No.1 have been terminated and all orders issued by the respondents in the intervening period, terminating the services of the petitioners, may kindly be ordered to be quashed and set aside.*
>
> *D. The respondents may kindly be directed to reinstate the services of the petitioners and they be permitted to continue their services on their respective post.*
>
> *E. The respondents may kindly be directed not to replace the petitioners till the*

agreement of the petitioners come to an end.

F. That the respondents may be restrained from dis-continuing services of the petitioners and/or the present place of posting of the petitioners may not changed."

3. Learned counsel for the petitioners submits that the petitioners were appointed on the urgent temporary basis for a period of 3 months or till the regularly selected employees are available with the respondent-Department, whichever is earlier. Learned counsel submits that the regularly selected employees are available with the respondent-Department, thus, the services of the petitioners have been dispensed with vide order dated 10.07.2024.

4. Learned counsel further submits that after the regularly selected persons having joined in the respondent-Department, still there are number of vacancies available with the respondent-Department for the post of Lab Technician and Assistant Radiographers. He, therefore, prays that the respondents may be directed that in case, there are vacancies available in the Department and they are in need of services of the petitioners, the petitioners' services can be adjusted in the nearby areas of District Pali/Beawar.

5. Considering the limited prayer of the petitioner, the writ petition is disposed of with a direction to the respondent No.7- Chief Medical and Health Officer, Beawar & respondent No.8- Chief Medical and Health Officer, Pali to ascertain the number of vacancies available with them in their jurisdiction and if they desire to take the services of the petitioners on the

post available, the petitioners may be adjusted or accommodated to serve on those posts till the regularly selected candidates are available with the respondent-Department.

6. It is made clear that if any of the petitioner is not discharging his duties satisfactorily, the respondents will be free to discharge him from the employment.

7. Stay petition as well as other pending applications, if any, shall also stand disposed of".

3. Learned counsel for the petitioners submits that the petitioners may be permitted to file an appropriate representation before the respondents in the light of judgment rendered by this Court in the case of Shruti Moyal (supra) for redressal of their grievance.

4. In view of the above, the present writ petition is disposed of in terms that in the event of filing a representation by the petitioners, the same shall be considered and decided by the respondents at the earliest preferably within a period of four weeks from the date of receipt of such representation, keeping in mind the law laid down by this Court in the case of Shruti Moyal (supra).

5. Since, the essence of the direction in the case of Shruti Moyal (supra) was to accommodate the persons who have discharged their services on Urgent Temporary Basis on the vacant seats with the State Government, the respondents shall not reject the petitioner's request simply because the petitioners

in the case of Shruti Moyal (supra) were radiologist and lab technician whereas the petitioner is working on other post.

6. The order has been passed based on the submissions made in the petition, the respondents would be free to examine the veracity of the submissions made in the petition and only in case, the averments made therein are found to be correct, the petitioners would be entitled to the relief.

7. Stay application also stands disposed of accordingly.

(DINESH MEHTA),J

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