HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 10817/2024
CNR: RJHC020559192024 | URN: CW / 21596U / 2024

Rajni Saini D/o Shri Bhambalram Saini W/o Shri Rajesh Saini, Aged About 35 Years, Resident Of Lodha Nagala, Sanjay Nagar, Bharatpur-321001 (Raj.)

----Petitioner

Versus

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

----Respondents

Connected With

S.B. Civil Writ Petition No. 12351/2024
CNR: RJHC020638832024 | URN: CW / 24687U / 2024

Kamla Prajapat D/o Nathu Lal Prajapat,w/o Late Shri Dinesh Prajapati, Aged About 37 Years, R/o House No. 322, Gate No. 3, Rajat Path Colony, Nainwa Road, Bundi (Raj.)

----Petitioner

Versus

1. State Of Rajasthan, Through Principal Secretary, Medical And Health Department Rajasthan, Govt. Of Rajasthan, Secretariat, Jaipur.
2. Director, State Health And Family Welfare Institution, Rajasthan, Jaipur.
3. Director (Non Gazetted), Medical And Health Service, Rajasthan, Swasthya Bhawan, Tilak Marg, C- Scheme, Jaipur.

----Respondents

For Petitioner(s)	:	Mr.Tanveer Ahamad Mr.R.D. Meena
For Respondent(s)	:	Mr.Archit Bohra, AGC with

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AAYUSH SHARMA
Date: 2026.10.31
15:05:56 IST

Mr.Rahul Verma

JUSTICE ANOOP KUMAR DHAND

Order

28/10/2026

1. Since common questions of law and facts are involved in both the instant writ petitions, hence, with the consent of counsel for the parties, arguments have been heard together and both the instant writ petitions are being decided together by this common order.

2. It is the case of the petitioners that the petitioners applied under OBC (NCL) Category at the time of submission of the application form for participating in the recruitment process for appointment on the post of Nursing Officer & Contractual Nurse respectively. The last date for submission of application form was 07.06.2023 & 08.08.2023 respectively. However, after submission of their application forms, the respective husbands of the petitioners expired, hence, a prayer was made for changing their category and consider their case under OBC (NCL) Widow Category.

3. Learned counsel for the petitioner submits that the controversy involved in both these petitions has been decided by the Division Bench of this Court at Principal Seat at Jodhpur in the case of **State of Rajasthan Vs. Ms. Jamna Rajpurohit** while deciding DB Civil Special Appeal No.82/2013 vide order dated 30.08.2013. Whereas, learned counsel appearing on behalf of the respondents submits that conflicting views have been taken by the

two different Division Benches in the case of **Ms. Jamna Rajpurohit** (supra) and in the case of **State of Rajasthan & Anr. Vs. Jagdish Prasad & Anr.** while deciding **D.B. Special Writ No.611/2016** vide order dated 09.09.2016. Counsel submits that under these circumstances, in the case of **Sangeeta Joshi Vs. State of Rajasthan & Ors.**, while hearing the arguments in **D.B. Civil Writ Petition No.6761/2023**, the Division Bench of this Court at Principal Seat at Jodhpur has referred the matter to the Larger Bench vide order dated 22.02.2024.

4. Considering the above factual aspect of the matter and looking to the fact that the controversy involved in both the instant petitions has been referred to the Larger Bench in the case of **Sangeeta Joshi** (supra), the instant writ petitions stand disposed of by issuing directions to the respondents that the selection process shall remain subject to outcome of the judgment passed by the Larger Bench in the case of **Sangeeta Joshi** (supra). In case, the answer of the Larger Bench comes in favour of the petitioners, then the respondents would consider the case of the petitioners in terms of the answer given by the Larger Bench.

5. Accordingly, both the instant writ petitions stand disposed of. Stay application and all pending application(s), if any, also stand disposed of.

(ANOOP KUMAR DHAND),J

265-267/Aayush Sharma