HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 9242/2023
CNR: RJHC020461792023 | URN: CW / 17614U / 2023

Vishnu Kumar Saini S/o Shri Shyopal Saini, Aged About 37 Years, R/o Village Ajeetpura, Post - Gadrata, Teh. Khetri, District Jhunjhunu.

----Petitioner

Versus

1. The State Of Rajasthan, Through Principal Secretary, Medical And Health Department, Secretariat, Jaipur.
2. The Director, Department Of State Health And Family Welfare, Government Of Rajasthan, Jhalana Institutional Area, Jhalana Doongari, Jaipur.
3. The Chief Medical Health Officer, Jaipur.

----Respondents

Connected With

S.B. Civil Writ Petition No. 19368/2024
CNR: RJHC021088392024 | URN: CW / 40862U / 2024

Mohd. Amir Khan S/o Mohd Dara Khan, Aged About 32 Years, R/o Govt. Sr. Secondary School Ke Pass, Samraniya, Block Shahabad, District Baran, Rajasthan.

----Petitioner

Versus

1. State Of Rajasthan, Through The Principal Secretary Medical And Health Department, Secretariat, Jaipur.
2. The Director, State Health And Family Welfare Institution, Jaipur.
3. The Director (Non-Gazette), Medical And Health Services, Rajasthan, Jaipur.
4. The Chief Medical And Health Officer, Baran.

----Respondents

S.B. Civil Writ Petition No. 13528/2025
CNR: RJHC020688932025 | URN: CW / 30374U / 2025

Mahipal Nayak S/o Devilal Nayak, Aged About 38 Years, R/o Dhanda, Agarpura, Garhi, Banswara, Rajasthan.

----Petitioner

Versus

1. State Of Rajasthan, Through The Principal Secretary, Medical And Health Department, Secretariat, Jaipur.
2. The Director, State Health And Family Welfare Institution, Jaipur.
3. The Director (Non-Gazette), Medical And Health Services, Rajasthan, Jaipur.

----Respondents

S.B. Civil Writ Petition No. 13551/2025

CNR: RJHC020680712025 | URN: CW / 30416U / 2025

Anwar Mohammad S/o Saddik Mohammad, Aged About 37 Years, R/o Purohito Ka Mohalla, Post Agoocha, Tehsil Kurda, District Bhilwara, Rajasthan.

----Petitioner

Versus

1. State Of Rajasthan, Through The Principal Secretary Medical And Health Department, Secretariat, Jaipur.
2. The Director, State Health And Family Welfare Institution, Jaipur.
3. The Director, (Non Gazette), Medical And Health Services, Rajasthan, Jaipur.

----Respondents

For Petitioner(s)	:	Mr. Tanveer Ahamad Mr. Ram Pratap Saini with Mr. Aamir Khan Mr. Pradeep Singh
For Respondent(s)	:	Mr. Archit Bohra, AGC with Mr. Rahul Verma

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JUSTICE ANOOP KUMAR DHAND

Order

28/10/2026

1. Since common questions of law and facts are involved in these instant writ petitions, hence, with the consent of the counsel

for the parties, arguments have been heard together and all these writ petitions are being decided by this common order.

2. For convenience, the facts pleaded in **SBCWP No. 19368/2024** are taken into consideration.

3. The instant writ petition has been preferred with the following prayer:-

> *"It is, therefore, humbly prayed that your Lordships may graciously be pleased to accept and allow this writ petition with costs and further be pleased to direct the respondents to the following effect:*
>
> *i) Issue an appropriate writ order or direction in the nature thereof thereby, the respondents be directed to give appointment to the petitioner on the post of Nursing Officer under OBC NCL Category with all consequential benefits as he secured more marks than the last cut off in his category.*
>
> *ii) Issue an appropriate writ order or direction in the nature thereof thereby, the impugned Final Merit List dated 06.12.2024 may kindly be quashed and set aside qua the petitioner by which the respondents have selected lesser marks candidates.*
>
> *iii) Issue an appropriate writ order or direction in the nature thereof thereby, the respondents be directed to consider the experience certificate dated 26.05.2023 of petitioner as valid as the work of petitioner is similar to the advertised posts as per the condition No. 6.2 of the experience certificates and thereby grant 30 bonus marks to him in lieu of his experience ceritficate of CHA and GNM.*
>
> *iii) Pass any other appropriate order which this Hon'ble Court may deem fit, just and proper in the facts and circumstances of the case in favour of the Petitioner.*
>
> *iv) Cost of the writ petition be also awarded in favour of the Petitioner."*

4. By way of filing the instant writ petition a prayer has been made for grant of bonus marks for the work experience gained by the petitioner while discharging his duty on the post of 'Nursing Officer' at Community Health Centre, Samraniya (for short "CHC") for which the experience certificate dated 26.05.2023 has been issued in favour of the petitioner by the Chief Medical & Health Officer, Baran.

5. Learned counsel for the petitioner submits that the services of the petitioner were hired through a placement agency by the State namely Modern Emergency Services JV Private Limited. The petitioner has worked and discharged his duty as 'Nursing Officer' and for the aforesaid work and experience gained by him the Chief Medical and Health Officer, Baran has issued an experience certificate dated 26.05.2023 in this regard certifying the aforesaid experience. Counsel submits that pursuant to the advertisement dated 05.05.2023, the petitioner participated in the recruitment process for appointment on the post of 'Nursing Officer'. As per the terms and conditions mentioned in the aforesaid advertisement, certain bonus marks are awarded to those persons who have gained experience in any of the schemes of the State Government in terms of Rule 19 of the Rajasthan Medical and Health Subordinate Services Rules, 1965 (for short "Rules of 1965"). Counsel submits that for no good reason, the respondents are not granting the benefit of bonus marks to the petitioner on the basis of the experience certificate dated 26.05.2023 issued by the Chief Medical and Health Officer, Baran for the services rendered by him at the aforesaid CHC, Samraniya through the placement agency. Hence, under these circumstances, the

petitioner has approached this Court by way of filing the instant writ petition. In support of his contention, he has placed reliance upon the order dated 14.05.2025 passed by the Co-ordinate Bench of this Court at Principle Seat at Jodhpur in the case of **Govind Dayma & Anr. Vs. State of Rajasthan & Ors.** in **SBCWP No. 9104/2025**.

6. Per contra, learned counsel appearing for the respondents opposed the arguments raised by counsel for the petitioner and submitted that the services of the petitioner were never hired by the State and a contract was awarded through NIT to the placement agency i.e. Modern Emergency Services JV Private Limited. Counsel submits that the attendance of the petitioner was never marked by the State, hence, there is no proof available on record at all to show that the petitioner has performed the work at CHC, Samraniya. Counsel submits that unless and until this fact is verified, the petitioner is not entitled to get benefit of bonus marks. Counsel further submits that bonus marks are awarded to those incumbents whose case falls within the purview of Rule 19 of the Rules of 1965 or the Circular dated 25.04.2023 issued by the Department of Medical & Health, Government of Rajasthan. Since the case of the petitioner does not fall either under Rule 19 of the Rules of 1965 or under the aforesaid Circular dated 25.04.2023, hence, the petitioner is not entitled to get the benefit of bonus marks.

7. Heard and considered the submissions made at the Bar and perused the material available on the record.

8. Perusal of the record indicates that the respondents have issued an advertisement dated 05.05.2023, inviting applications

for appointment on the post of 'Nursing Officer'. Certain terms and conditions were imposed including the educational qualifications, and a provision was kept for grant of bonus marks to all those candidates whose case falls within the purview of Rule 19 of the Rules of 1965 or the Circular dated 25.04.2023 issued by the Department of Medical and Health, Government of Rajasthan. For convenience, the proviso attached to Rule 19 of the Rules of 1965 is reproduced as under:-

> *"Provided further that in case of appointment to the posts other than Pharmacist, which are not in the purview of the Commission, merit shall be prepared by the Appointing Authority on the basis of marks obtained in such qualifying academic examination or professional examination or both as specified in the schedule appended to these rules and such bonus marks as may be specified by the State Government having regard to the length of experience on similar work under the Government, National Rural Health Mission, Medi Care Relief Society, Chief Minister BPL Jeevan Raksha Kosh, AIDS Control Society, Revised National Tuberculosis Control Programme (RNTCP), Jhalawar Hospital and Medical College Society, Integrated Disease Surveillance Project or State Institute for Health and Family Welfare."*

9. It appears that in order to clarify the provision of grant of bonus marks in black and white, a clear and specific circular was issued by the Department of Medical and Health, Government of Rajasthan on 25.04.2023. Clause 4 of the said circular is relevant in this regard which is reproduced as under:-

> "4. अतः बिन्दु संख्या 2 एवं 3 के अनुसार राजस्थान सरकार के अधीन संचालित समस्त राजकीय चिकित्सा संस्थानों, चिकित्सा स्वास्थ्य एवं चिकित्सा शिक्षा विभाग के अधीन संचालित योजनाओं में समरूप कार्य करने वाले संविदा/व्यक्तिगत अनुबंध/अस्थाई आधार/यू.टी.बी.

पर एमआरएम/प्लेसमेंट एजेंसी/एन.जी.ओ./108/पी.पी.पी. मोड के माध्यम से कार्यरत कार्मिकों को दी गई सेवाओं का अनुभव प्रमाण पत्र नियमानुसार अधिकृत अधिकारियों द्वारा जारी एवं सत्यापन करने वाले अधिकारियों द्वारा सत्यापित कर जारी किया जावें। निजी चिकित्सा संस्थानों/गैर सरकारी संस्थानों एवं चिकित्सा विभाग की योजनाओं से इतर योजनाओं/आउटसोर्स सेवाओं में कार्यरत किसी भी कार्मिक को अनुभव प्रमाण पत्र जारी नहीं किया जायेगा।"

10. Bare perusal of the aforesaid clause clearly indicates that the persons working with any of the schemes of the Department of Medical and Health, Government of Rajasthan including the persons working on personal agreement/contract/temporary basis/UTB through MRS/placement agency/NGO/108 emergency services/PPP mode are entitled to get the benefit of bonus marks. But a rider has been provided for not granting bonus marks to those candidates who are working with any private hospital or Non-Government Institute, or whose services have been outsourced such candidates would not be entitled to get the benefit of bonus marks.

11. The sole ground upon which the petitioner has been denied benefit of bonus marks towards his experience at CHC, Samraniya is that he was receiving salary from an agency to whom the contract was awarded by the Government. Such ground of the respondents for denying the benefit of bonus marks to the petitioners cannot be accepted as this issue has already been decided by the Co-ordinate Bench of this Court at Principle Seat at Jodhpur in the case of **Govind Dayma** (supra). The relevant portion of the aforesaid order in Para 12, 13, 14, 15 & 16 are relevant, which reads as under:-

"12. The intention of the State while providing for grant of bonus marks in government recruitments, definitely was to give an extra advantage to the incumbents who had worked during the COVID-19 period. The petitioners having worked during that period on the post of 'Lab Technician' once not been disputed, the benefit could not have been denied to them only on technical grounds. Further, when it is proved on record that they were paid during that period, may be by an NGO running the Government hospital, the aspect that veracity of experience certificate is doubtful, is also erroneous.

13. The said observation is also erroneous in view of the communication/certificate dated 18.06.2024 (Annexure-11) of the competent authority which specifically verified that petitioners worked with a Government hospital during the COVID-19 period.

14. Evidently, the said communication is by the Chief Medical Officer, Kishangarh (Ajmer) of a Government hospital and there is no reason to dispute the same or question the veracity of the same. The rejection of the representations of the petitioners vide orders impugned dated 28.03.2025 (Annexure-12) is clearly on the face of it, erroneous and hence, deserve to be and are hereby quashed and set aside.

*15. Accordingly, the writ petition is **allowed**. The respondents are directed to grant bonus marks to the petitioners as per their work experience and in terms of circular dated 25.04.2023 (Annexure-4). After granting of the said bonus marks if the petitioners find place in merit list and are otherwise found eligible, they be afforded appointment on the post of 'Lab Technician' within a period of eight weeks from now.*

*16. Stay petition and pending applications, if any, stand **disposed of**."*

12. The order passed in the case of **Govind Dayma** (supra) was challenged by the State by way of filing Special Appeal bearing **D.B.S.A.W No. 1550/2025** before the Division Bench in the case

titled as **State of Rajasthan & Ors Vs. Govind Dayma & Anr.** and the appeal was dismissed by the Division Bench vide order dated 20.05.2026, while affirming the order dated 14.05.2025 passed by the Co-ordinate Bench of this Court at Principle Seat at Jodhpur. The relevant portion of the order passed by the Division Bench in Para 5, 6, 7, 8, 9 & 10 are relevant, which reads as under:-

> *"5. This Court, after hearing learned counsel for the parties and looking to the limited ambit of the controversy, finds that Rule 19 of the Rules of 1965, governs the issue relating to computation of bonus marks for experience. Rule 19 of the Rules of 1965, reads as under:*
>
> *"**19. Scrutiny of applications and examinations.**-(1) The applications received by the Commission, for the post falling under the purview of the Commission, which are found to be incomplete shall be rejected by them. Before appearing in the examination, it should be ensured by the candidate himself/herself that he/she fulfils the conditions in regard to age, educational qualifications, experience, if any, etc. as provided in these rules. Being allowed to take the examination shall not entitle the candidate to presumption of eligibility. The candidates shall have to appear in the written examination. The Commission shall scrutinise later on the applications of such candidates only as qualify in the written examination.*
> *(2) The Scheme and Syllabus of written examination shall be such as may be decided by the Commission, from time to time.*
> *(3) The applications received by the Board or the Appointing Authority, as the case may be, for the posts not falling under the purview of the Commission, which are found to be incomplete shall be rejected by it. Before appearing in the examination, it should be ensured by the candidate himself/herself that he/she fulfils the conditions in regard to age, educational qualifications, experience, if any, etc. as provided in these rules. Being allowed to take the examination shall not entitle the candidate to presumption of eligibility. The candidates shall have to appear in the written examination. The Board or the Appointing Authority, as the case may be shall scrutinise later on the applications of such candidates only as qualify in the written examination:*

Provided that in case of appointment to the post of Pharmacist, the written examination shall be conducted by the Board/Appointing Authority and the merit shall be prepared on the basis of marks obtained in such written examination and such bonus marks as may be specified by the State Government having regard to the length of experience on similar work under the Government of Rajasthan in Chief Minister BPL Jeevan Raksha Kosh, National Health Mission, Medicare Relief Society, AIDS Control Society, Sahakari Upbhokta Wholesale Bhandar, Sahakari Upbhokta Bhandar and other Co-operative Institutes under the Co-operative department. However, as one time measure, after commencement of the Rajasthan Medical & Health Subordinate Service (II Amendment) Rules, 2022, the recruitment to the post of Pharmacist shall be done by preparing merit list on the basis of marks obtained by the applicant in such qualifying academic and professional examinations as specified in the schedule appended to these rules and such bonus marks as may be specified by State Government having regard to the length of experience on similar work under the Government of Rajasthan in Chief Minister BPL Jeevan Raksha Kosh, National Health Mission, Medicare Relief Society, AIDS Control Society, Sahakari Upbhokta Wholesale Bhandar, Sahakari Upbhokta Bhandar and other Co-operative Institutes under the Co-operative department.

Provided further that in case of appointment to the posts other than Pharmacist, which are not in the purview of the Commission, merit shall be prepared by the Appointing Authority on the basis of marks obtained in such qualifying academic examination or professional examination or both as specified in the schedule appended to these rules and such bonus marks as may be specified by the State Government having regard to the length of experience on similar work under the Government, National Rural Health Mission, Medi Care Relief Society, Chief Minister BPL Jeevan Raksha Kosh, AIDS Control Society, Revised National Tuberculosis Control Programme (RNTCP), Jhalawar Hospital and Medical College Society, Integrated Disease Surveillance Project or State Institute for Health and Family Welfare.

Provided also that the decision of the Commission/Board or Appointing Authority, as the case may be, regarding the eligibility or otherwise of a candidate shall be final."

6. This Court further finds that the recruitment in question pertains to the post of Lab Technician under the Lab Technician Recruitment, 2023, wherein bonus marks were required to be awarded on the basis of work experience in accordance with the Rules of 1965. The denial of bonus marks by the State to the respondent-

candidates appears to have been premised solely upon the source from which the remuneration was paid, rather than upon the nature and length of experience acquired by them while discharging duties in Government Hospitals under Government schemes/projects. The focus has been shifted from the actual discharge of duties in Government institutions to the source of payment, namely the Kishangarh Marble Association (NGO).

7. This Court is of the firm opinion that receipt of remuneration from a State Agency or otherwise may, at best, constitute one of the relevant factors where there exists any doubt regarding the actual discharge of duties in a Government Hospital or the genuineness of the experience gained, however, such a criterion loses importance once it stands admitted and duly established that the respondent-candidates had, in fact, discharged their duties in a Government Hospital and had thereby, acquired practical experience in similar work within such Government institution. The experience certificates issued by the Principal Medical Officers of the Government Hospital, Kishangarh, verify the discharge of such duties. Once the applicability of the provisions contained in the Rules of 1965 stands satisfied with regard to actual service rendered in a Government Hospital, the consequential benefit accruing from such experience cannot be denied merely on the basis of the source from which the remuneration was paid, whether by a charitable institution or any other society.

8. The manning of a Government Hospital undeniably confers specialized and practical experience, for which Rule 19 of the Rules of 1965 envisages a beneficial framework. Such experience, therefore, cannot be discounted merely because certain financial contributions were made by the Kishangarh Marble Association (NGO) for charitable purposes. Since the core aspect of experience gained in a Government Hospital remains undisputed, the respondent-candidates are entitled to the benefit of such experience strictly in accordance with law and in consonance with Rule 19 of the Rules of 1965.

9. In view of the aforesaid discussion, and while concurring with the findings recorded by the learned Single Judge, this Court finds no reason to interfere with the impugned judgment dated 14.05.2025 passed in SBCWP No.9104/2025.

10. Accordingly, the instant special appeal, stands dismissed."

13. In the instant case as well, this fact has not been disputed that the petitioner has not discharged his services at CHC, Samraniya. The only doubt which has been created by the State counsel is with regard to his attendance as the same has not been verified.

14. On this count alone, the respondents cannot deny the benefit of bonus marks to the petitioner. If at all, there is any doubt with regard to his appearance or attendance at the centre where the petitioner has discharged his services the same can be verified by the State at their own level by looking into the following:-

(i) whether salary was paid to the petitioner in his bank account,

(ii) whether the petitioner was given appointment letter,

(iii) whether the attendance of the petitioner was recorded in any attendance register and if so, whether the attendance has been certified by the competent officer of the Government,

(iv) if the salary has been paid in cash, whether a receipt voucher has been received for the same.

15. As per the Rules of 1965 and the circulars issued in this regard, the respondents would be at liberty to scrutinize the experience certificate of the petitioner for verification from the concerned placement agency and if it is found to be fabricated or false, appropriate action may be taken against the petitioner or

the person who is responsible for issuing a fake certificate in accordance with law.

16. In case the experience certificate of the petitioner is found to be genuine, then the respondents would grant the bonus marks on the basis of his work experience. If, after grant of bonus marks, the name of the petitioner finds place in the merit list or if he is found otherwise eligible, he shall be afforded appointment on the post of 'Nursing Officer'.

17. Needless to observe the aforesaid exercises would be done by the respondents within a period of three months from the date of receipt of certified copy of this order.

18. With the aforesaid observation and directions, the instant writ petition stand disposed of.

19. Stay application and all pending applications, if any, stand disposed of.

(ANOOP KUMAR DHAND),J

SA-248, 270, 289, 290/ANMOL