HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 18300/2023
CNR: RJHC020901442023 | URN: CW / 36110U / 2023

Ravi Sharma S/o Shri Lalit Kumar Sharma, aged about 32 Years, R/o Near RSEB Office, Atru District Baran, Rajasthan.

----Petitioner

Versus

1. State of Rajasthan, Through Principal Secretary, Department of Medical Health Services, Government of Rajasthan, Government Secretariat Jaipur Rajasthan.
2. Director, Medical And Health Services, Rajasthan, Jaipur.
3. State Institute of Health and Family Welfare (Sihfw), Jhalana Institutional Area, Jaipur Through Its Director.

----Respondents

Connected With

S.B. Civil Writ Petition No. 19268/2024
CNR: RJHC021084422024 | URN: CW / 40580U / 2024

Ankur Kumar Yadav S/o Sh. Ram Charan Sitara, aged about 36 Years, R/o, Vpo Shahabad, Tehsil Shahabad, District Baran, Rajasthan.

----Petitioner

Versus

1. The State Of Rajasthan, Through Its Secretary, Medical, Health And Family Welfare Department, Rajasthan, 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, District Baran

----Respondents

S.B. Civil Writ Petition No. 19454/2024
CNR: RJHC021087882024 | URN: CW / 41051U / 2024

Ramvaran Singh Son of Shri Vinod Kumar, Aged About 34 Years, Resident Of Village Dandoli Dubati, Tehsil And District Dholpur (Raj).

----Petitioner

Versus

1. State Of Rajasthan, Through Its Principal Secretary, Department Of Medical And Health And Family Welfare Department, Secretariat, Jaipur (Raj)
2. Director, State Health And Family Welfare Institution, Jhalana, Institutional Area, Jaipur (Raj).
3. Additional Director, Non Gazzeted, Medical And Health Department, Swasthya Bhawan, Tilak Marg, Jaipur (Raj).
4. Chief Medical And Health Officer, Dholpur (Raj).
5. Chief Medical And Health Officer, Chittorgarh (Raj)

----Respondents

S.B. Civil Writ Petition No. 19523/2024

CNR: RJHC021086702024 | URN: CW / 41236U / 2024

1. Ashok Kumar Mundotiya S/o Om Prakash Mundotiya, Aged About 36 Years, R/o Vpo Baghawas, Via Tehsil Kishangarh Renwal, District Jaipur Rural, Rajasthan.
2. Sunita D/o Laxman Gurjar, Aged About 31 Years, R/o Village Panchu Kharkhada, Patan, District Neem Ka Thana, Rajasthan.
3. Pramila D/o Mahendra Kumar, Aged About 33 Years, R/o Village Dholader, Post Kharantiya, Tehsil Sindhari, District Barmer, Rajasthan.

----Petitioners

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. Ram Pratap Saini
Mr. Aamir Khan
Mr. Mahendra Sharma
Mr. Bajrang Sepat

For Respondent(s) : Mr. Archit Bohra-AGC
Mr. Rahul Verma

JUSTICE ANOOP KUMAR DHAND

Order

27/10/2026

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

2. For the sake of convenience, the facts pleaded in the S.B. Civil Writ Petition No.19268/2024 are taken into consideration.

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

> "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 then 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 certificates 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.
> (iv) 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.
> v) Cost of the writ petition be also awarded in favour of the petitioner."

4. By way of filing the instant writ petitions, a prayer has been sought against the respondents to consider the petitioners' case for appointment on the post of Nursing Officer under the category of OBC/NCL.

5. Learned counsel for the petitioners submits that pursuant to the advertisement dated 05.05.2023, issued by the respondent-State Health and Family Welfare Institute, the petitioners participated in the recruitment process for appointment on the post of Nursing Officer. Counsel submits that the respondents are not granting the bonus marks to the petitioners in spite of the fact that the petitioners have performed the work and duties of the Nursing Officer at Government Residential School, Block Shahbad, Baran. In fact, the Chief Medical and Health Officer, Baran (for short, 'the CMHO') has also issued an experience certificate in this regard stating that the petitioners have worked in the said school w.e.f. 16.08.2011 till 30.04.2014. Counsel submits that the experience certificate issued by the CMHO, Baran is valid and the petitioners are entitled to get the bonus marks and subsequent appointment on the post of Nursing Officer.

6. Per contra, counsel for the State respondents opposed the prayer and submitted that appointments on the post of Nursing Officer are made strictly in terms of the mandate contained under Rule 19 of the Rajasthan Medical and Health Subordinate Services Rules, 1965 (for short, 'the Rules of 1965'). Counsel submits that the bonus marks are granted to the eligible candidates on the basis of length of experience on similar work performed by them under the State Government, National Rural Health Mission, Medi Care Relief Society, Chief Minister BPL Jeevan Rakhsha 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. Counsel submits that the work or duties performed by the petitioners in any school or Juvenile Justice Board cannot be treated as valid experience for the purpose of getting the benefit of bonus marks in terms of the proviso attached to Rule 19 of the Rules of 1965. Hence, under these circumstances, these instant writ petitions are liable to be rejected.

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

8. Perusal of the record indicates that an advertisement was issued by the respondent-State Health and Family Welfare Institute vide order dated 05.05.2023, inviting the applications from the open market for appointment on the post of Nursing officer. As per the terms and conditions of the advertisement, a candidate is supposed to possess the educational qualification of Senior Secondary Education and GNM Diploma recognition from the Rajasthan Nursing Council. As per the proviso (ज) appended to the advertisement, the grant of bonus marks has been provided under Clause 2 and 6 of the proviso (ज) which states that bonus marks would be granted to those candidates who are working in any of the scheme of the State Government either on regular basis or on contract basis temporary or through placement agency etc. Clause 6 attached to the proviso (ज) further indicates that the bonus marks would not be granted to those candidates who are either working in the private sector or any hospital other than

the aforesaid institutions or schemes as prescribed and defined under the Rule 19 of the Rules of 1965. This fact is not in dispute that none of the petitioners are working under any of the schemes as defined under the proviso attached to Rule 19 of the Rules of 1965 and the proviso (ज) of the advertisement dated 05.05.2023.

9. In the considered opinion of this Court, unless and until the validity of Rule 19 of the Rules of 1965 is challenged and the said Rule is declared *ultra vires*, the petitioners are not entitled to any of the reliefs sought in these petitions. Accordingly, these instant writ petitions are liable to be and hereby dismissed.

10. Stay applications and all pending application(s) if any, also stand dismissed.

(ANOOP KUMAR DHAND),J

Ashu/207, 223, 229 & 232