

HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR

D.B. Special Appeal Writ No. 71/2026

CNR: RJHC011180822025 | URN: SAW / 138U / 2026

1.

State Of Rajasthan, Through Principal Secretary, Medical And Health Department, Jaipur, Rajasthan.
2.

The Director (Non-Gazetted), Medical And Health Service, Jaipur, Rajasthan.
3.

The Joint Director, Medical And Health Services, Zone Ajmer, Ajmer, Rajasthan.
4.

The Chief Medical And Health Officer, Bhilwara, Rajasthan.
- Appellants

Versus

Dinesh Kumar Choudhary S/o Shri Dana Ram Jat, Aged About 29 Years, R/o Near Hp Petrol Pump, Gulabpura, Tehsil Hurda, District Bhilwara, Rajasthan.

-----Respondent

For Appellants	:	Mr. N.S. Rajpurohit, AAG Ms. Aditi Sharma
For Respondent	:	---

HON'BLE THE ACTING CHIEF JUSTICE MR. SANJEEV PRAKASH SHARMA
HON'BLE MR. JUSTICE SANJEET PUROHIT

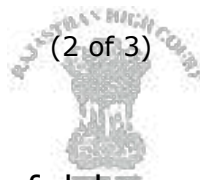
Order

03/08/2026

1.

The challenge in this appeal is to the order dated 12.05.2025 passed by the learned Single Judge.
2.

The appeal is time barred by 158 days. There is an application under Section 5 of the Limitation Act for condonation of delay in filing the present appeal. The reasons given in the



application for condonation of delay are not satisfactory. We notice that after the decision was taken on 08.09.2025 by the Pre-Litigation Committee to file an appeal, the officer in-charge was appointed on 21.09.2025 but the appeal was not filed up to 16.12.2025. It was filed after 218 days of passing of the order by the learned Single Judge and is time barred by 158 days.

3. We also asked the learned Additional Advocate General to address on merits and we find that it is a case where an experience certificate had been issued by the Chief Medical and Health Officer to the writ petitioner for having worked as a Nursing Officer under him. He was posted on the ambulance and treating him to have been posted on ambulance, the experience of working as a Nursing Officer was again scrutinized by the selecting authority and it decided not to given him the benefit of having worked as a Nursing Officer under the Chief Medical and Health Officer.

4. It is not a case that the Chief Medical and Health Officer is not competent to issue the certificate merely because a person is posted on ambulance. He cannot be denied the benefit of working on the post of Nursing Officer more so when he has been given the salary, though on contract basis for the said post.

5. Posting of an individual at various places in a hospital or clinic is not in the hands of the concerned person and, therefore, merely because he was posted on ambulance and some other persons were posted in the hospital/clinic on that post, a distinction cannot be drawn between them. The learned Single Judge has allowed the writ petition and directed to consider his case for appointment, if he finds place in the merit.



6. We do not find any reason to even interfere on merits, although we are not satisfied even on the grounds mentioned for delay in filing the appeal.

7. The application for condonation of delay is dismissed.

8. Accordingly, the appeal is dismissed both on the grounds of delay as well as merits.

9. All pending applications stand disposed of.

10. It is made clear that the compliance of the order passed by the learned Single Judge be made within a period of four weeks.

(SANJEET PUROHIT),J

(SANJEEV PRAKASH SHARMA),ACJ