

**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

D.B. Spl. Appl. Writ No. 58/2026

M/s Believe Solution Services, Through Its Authorized Signatory
- Mr. Sunil Rathi, Aged About 48 Years, Having Its Registered
Office At Z-1A, Sec-110-A, New Palam Vishar, Gurgaon, Haryana
C/o Superintendent, Government Mdm Hospital, Jodhpur.

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Versus

1. Vinita Solanki D/o Shri Ghanshyam Singh, R/o 109, Mahaveer Nagar, Sangriya Fanta, Salawas Road, Jodhpur (Raj.).
2. Divya Sharma S/o Shri Ashok Kumar Sharma, R/o Badrinarayan Ji Ki Gali, Gundi Mohalla, Navchokia, Jodhpur (Raj.).
3. Magh Singh S/o Shri Ela Singh, R/o Aginshah Ki Dhani, Barmer, District Barmer (Raj.).
4. Rajesh Vishnoi S/o Shri Chaina Ram Vishnoi, R/o 75, Shankar Nagar, Sangriya Fanta, Main Salawas Road, Jodhpur (Raj.).
5. Santosh Kumari Solanki D/o Shri Mohan Kishan, R/o Jatiyon Ki Gali, Khanda Falsa, Kumhariyon Kua, Jodhpur (Raj.).
6. Nischal Sharma D/o Shri Prem Sukh Sharma, R/o 21/539, Chopasani Housing Board, Jodhpur (Raj.).
7. Sunil Kumar Jawa S/o Shri Suraj Mal Jawa, R/o Main Bazar, Asarlai, District Pali (Raj.).
8. Naveen Sharma S/o Shri Vasudev Sharma, R/o Jatha Pada, Jaisalmer (Raj.).
9. Nirmal Bishnoi S/o Shri Sohan Singh Bishnoi, R/o 3, Opposite Sardar, Hakim Bagh, Jodhpur (Raj.).
10. Bilal Hasan S/o Shri Mazahar Hasan, R/o Vyapariyon Ka Bas, Pipar City, District Jodhpur (Raj.).
11. Mohammed Juned S/o Shri Mustak Ahmad, R/o Kharadiyon Kabas, Bagri Nagar, Pali (Raj.).
12. Devender Singh Godara S/o Shri Urja Ram Godara, R/o Baganiyon Ka Dhani, Chainpura, Jaisalmer (Raj.).
13. Vimala Patel D/o Shri Ashok Ram Patel, R/o Bhuriyon Ka Bas, Jajiwai Gehlota, District Jodhpur (Raj.).
14. Bhagavana Ram S/o Shri Rughnath Ram, R/o Amli, Chitalwana, district Jalore (Raj.).
15. Rafat Ali S/o Shri Inayat Ali, R/o Vyapariyon Ka Bas, Pipar City, District Jodhpur (Raj.).
16. Asif S/o Shri Ali Hasan, R/o Vyapariyon Ka Bas, Pipar City, District Jodhpur (Raj.).
17. Laxmi Bishnoi D/o Shri Ram Prakash, R/o B-4/2, Saint Kheteshwar Nagar, Kuri Bhagtasani Housing Board,

Jodhpur (Raj.).

18. Moola Ram S/o Shri Tila Ram, R/o Pabu Nagar, Janadesar, District Jodhpur (Raj.).
19. Virendra Kumar S/o Shri Bhera Ram, R/o Aakhariya Bas, Wandar, District Pali (Raj.).
20. Ravindra Patel S/o Shri Nemi Chand, R/o Malkosni Road, Bera Sangaro Ki Uchhal, Bilara, District Jodhpur (Raj.).
21. Laxman Saini S/o Shri Kailash Chand Saini, R/o Ward No.12, Nawa, District Nagaur (Raj.).
22. Needa Khan D/o Shri Mohammad Khan, R/o Behind Chopasani School, Chopasani Road, Jodhpur (Raj.).
23. Mohit Parihar S/o Shri Satya Narayan, R/o 172/b, Gali No. 2, Lal Sagar, Jodhpur (Raj.).
24. Varsha Bishnoi D/o Shri Tulcha Ram, R/o 1-B-446, Kuri Bhagtasani Housing Board, Jodhpur (Raj.).
25. Vimla Shakhee D/o Shri Bhanwar Lal, R/o 111, Uit Quarter, Shobhawaton Ki Dhani, Pal Road, Jodhpur (Raj.).
26. Chandra Kanta Soni D/o Shri Gena Ram Soni, R/o Jogmaya Mandir Road, Maderna Colony, Jodhpur (Raj.).
27. Deepak S/o Shri Kalu Ram, R/o Maliyon Ka Bada Bas, Inside Jaitaraniyon Gate, Sojat City, District Pali (Raj.).
28. Kiran Patel D/o Shri Amara Ram Patel, R/o 22, Golf Course Road, Aanjana Patel Nagar, Jodhpur (Raj.).
29. Barish S/o Shri Santosh Das, R/o 216, Adarsh Nagar, Khejarla Marg, Ward No.8, Pipar City, District Jodhpur (Raj.).
30. Mukesh Meghwal S/o Shri Hukma Ram, R/o Gali No. 2, Ashok Colony, Mandor Road, Jodhpur (Raj.).
31. Sapana Garg D/o Shri Poora Ram Garg, R/o Guruon Ki Dhani, Sindari Charanan, District Barmer (Raj.).
32. Gopesh S/o Shri Arun Kumar, R/o Indra Colony, Opposite Mahamandir Railway Station, Jodhpur (Raj.).
33. Mridul Chouhan S/o Shri Nandkishore Chouhan, R/o Jaloriyon Ka Bas, Ram Chouk, Nagori Gate, Jodhpur (Raj.).
34. Manju D/o Shri Bhika Ram, R/o Tankla, District Nagaur (Raj.).
35. Manish Kumar S/o Shri Jageshwar Bhargav, R/o Dishantariyon Ka Bas, Asop, District Jodhpur (Raj.).
36. Lokendra Singh Inda S/o Shri Panne Singh, R/o Jagdamba Colony, Behind Mahesh Hostel, Near Bombay Motor Circle, Jodhpur (Raj.).
37. Maina Choudhary D/o Shri Shriram Choudhary, R/o 20, Meera Nagar, Dhand, Jhalamand, Jodhpur (Raj.).
38. Mahaveer Bangara S/o Shri Ramniwas Bangara, R/o Vpo Chua, District Nagaur (Raj.).

39. Ravindra Kumar S/o Shri Heera Ram, R/o Bhojasar, Po Aau, District Jodhpur (Raj.).
40. Narsi Ram S/o Shri Mula Ram, R/o Vpo Phagotra, Tehsil Bhinmal, District Jalore (Raj.).
41. Umar Farooque S/o Shri Mohd Hussain, R/o Gali No.14, Taxi Stand Circle, Pratap Nagar, Jodhpur (Raj.).
42. Sumitra Patel D/o Shri Amara Ram, R/o Mogra Kallan, Pali Road, District Jodhpur (Raj.).
43. Mohammed Vahid Arsad S/o Shri Mohammed Afzal, R/o 219, Loharo Ki Gali, Near Cycle Market, Ghantaghar, Jodhpur (Raj.).
44. Virendra Singh S/o Shri Tej Singh, R/o 78, Kh No.340/1, Achaleshwar Nagar, Punjala, Jodhpur (Raj.).
45. Yogesh Gehlot S/o Shri Inder Singh Gehlot, R/o Gopi Ka Bera, Mandor, Jodhpur (Raj.).
46. Virendra Kumar Saraswat S/o Shri S.m. Sharma, R/o 35-B, Sultan Nagar, Bjs Colony, Jodhpur (Raj.).
47. Pusa Ram S/o Shri Chena Ram, R/o Jakharo Ki Dhaniyan, Mornawara, District Jodhpur (Raj.).
48. State Of Rajasthan, Through Its Principal Secretary, Medical, Health And Family Welfare Services, Govt. Of Rajasthan, Secretariat, Jaipur.
49. Director (Public Health), Medical And Health Services, Health Bhawan, Tilak Marg, C-Scheme, Jaipur.
50. Director (Non-Gazetted), Medical, Health And Family Welfare Department, Health Bhawan, Rajasthan, Jaipur.
51. The Principal And Controller, Dr. S.n. Medical College Associate Group Of Hospitals, Shastri Nagar, Jodhpur.
52. The Superintendent, Govt. Mdm Hospital, Jodhpur.
53. Chief Medical And Health Officer, Jodhpur.
54. M/s Rajdeep Enterprise, Through Its Authorized Signatory, R/o 601, 6Th Floor, Shalin Complex, Sector-11, Gandhinagar (Gujarat), C/o Superintendent, Govt. Mdm Hospital, Jodhpur.
55. M/s Gajendra Enterprises, Through Its Authorized Signatory, Add. Maler House, Indra Colony, Bikaner C/o Superintendent, Govt. Mdm Hospital, Jodhpur
56. M/s Sri Sainath Associates Private Limited, Through Its Authorized Signatory, R/o L-1542, Sector-I, Lda Colony, Kanpur Road, Lucknow (U.p.), C/o Superintendent, Govt. Mdm Hospital, Jodhpur.
57. The Nursing Superintendent, Govt. Mdm Hospital, R/o Shastri Nagar, Jodhpur.

-----Respondents

For Appellant(s) : Ms. Pratyushi Mehta, through VC

Mr. Pranjul Mehta
For Respondent(s) : Mr. Ravinder Singh Champawat
Mr. Yash Pal Khileree

HON'BLE THE ACTING CHIEF JUSTICE MR. SANJEEV PRAKASH SHARMA
HON'BLE MR. JUSTICE BALJINDER SINGH SANDHU

Order

26/02/2026

1. The matter comes upon an application for vacating *ad interim* stay order passed by this Court dated 22.01.2026.
2. Learned counsel appearing on behalf of the respondent-writ petitioners submits that an interim order was passed in their favour by the learned Single Judge on 21.11.2025 and the writ petitioners-applicants were allowed to continue as contractual employees as they were working prior to the appointment of the new placement agency. Learned counsel further points out that an application was moved by the appellant to vacate the interim order before the learned Single Judge by moving an application under Article 226(3) of the Constitution of India. However, without awaiting the result of the said application, the present appeal has been filed before this Court and an interim order has been passed on 22.01.2026 by the Division Bench without noticing the aforesaid fact and pendency of the application under Article 226(3) of the Constitution.
3. Learned counsel further submits that it is a well settled law that contractual employees cannot be replaced by another set of contractual employees. He submits that the State has also framed Rajasthan Contractual Hiring to Civil Posts Rules, 2022 under

Article 309 of the Constitution of India, which would govern the field. However, the learned Division Bench while passing the order of stay has not considered these aspects. Learned counsel submits that the order passed by this Court dated 22.01.2026 deserves to be set aside and the appeal also deserves to be dismissed as it has been filed against an *ad interim* stay order while the application for vacation was pending before it.

4. *Per contra* learned counsel appearing on behalf of the appellant submits that since the interim order was passed without giving an opportunity of hearing and the stay vacation application was not being heard, the present appeal has been filed. Learned counsel further submits that the placement agency has been chosen by the Government to provide the contractual employees and a placement agency cannot be forced to engage the same contractual employees, who were working in another placement agency. Learned counsel submits that the judgments were cited before the Division Bench, which would be applicable to the case and the stay order passed by the Division Bench, therefore, does not warrant any interference.

5. We have considered the submissions.

6. It is a case where a writ petition has been pending and *ex-parte* interim order was passed and an application was moved by the respondents for vacating the *ex-parte* interim order in terms of provisions contained under Article 226(3) of the Constitution. However, without waiting for the decision of the said application, appeal has been filed before this Court challenging the original *ex-parte* order. In the opinion of this Court, such approach

deserves to be deprecated. One cannot choose two forums at one point of time, if an application was already pending. It was required for the appellant to first pursue the same and get a decision from the learned Single Judge. Thereafter, of-course, if so advised, this appeal could have been filed and the Court would have examined the case again on merits, but jumping a queue and choosing both the forums at the same time is found to be unjustified.

7. We, therefore, hold the present appeal not to be maintainable while application for vacation under Article 226(3) of the Constitution is pending before the learned Single Judge.

8. The appeal is accordingly dismissed. The interim order passed by this Court also stands vacated. However, our order passed would not, in any manner, deprive the appellant from pursuing the application already moved before the learned Single Judge under Article 226(3) of the Constitution. It would be decided independently and would not be influenced by the decision made by in this appeal.

9. All the pending applications stand disposed of accordingly.

(BALJINDER SINGH SANDHU),J (SANJEEV PRAKASH SHARMA),ACJ