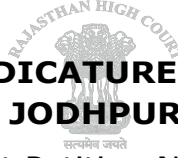




**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**



S.B. Civil Writ Petition No. 4826/2026

1. Champa Devi W/o Prabhu Ram, Aged About 43 Years, R/o Village Fatehgarh, District Hanumangarh, Rajasthan.
2. Barjinder Kaur D/o Baldev Singh, Aged About 44 Years, R/o Ward No. 13 Vpo Talwara Jheel, District Hanumangarh, Rajasthan.
3. Jethi W/o Vijay Kumar Parihar, Aged About 51 Years, R/o Ward No 19 Karanpur, District Ganganagar, Rajasthan.
4. Vikram Babu Sethi S/o Hansraj Sethi, Aged About 43 Years, R/o Ward No 7 Karanpur, District Ganganagar, Rajasthan.
5. Salochana W/o Chirangi Lal, Aged About 41 Years, R/o 2 Fc Karanpur, District Ganganagar, Rajasthan.
6. Anusuiya Devi W/o Ramesh Kumar, Aged About 43 Years, R/o 42 H 23-O Sri Karanpur, District Ganganagar, Rajasthan.
7. Ramswaroop W/o Rati Ram, Aged About 45 Years, R/o Mllerkhera, Sangria District Hanumangarh, Rajasthan.
8. Satya Narayan S/o Roopram Godara, Aged About 42 Years, R/o Jakhdawali, Pilibangan District Hanumangarh, Rajasthan.
9. Kanta, Aged About 32 Years, R/o Gandhi Bari 6 Sdr District Hanumangarh, Rajasthan.
10. Pawan Kumar Arya S/o Ransingh, Aged About 48 Years, R/o Ward No 9 Shyoratada ,bhadra District Hanumangarh, Rajasthan.
11. Ram Swaroop W/o Ramrakh, Aged About 42 Years, R/o Dhannasar, Rawatsar District Hanumangarh, Rajasthan.
12. Lali W/o Bisna Ram, Aged About 47 Years, R/o Ward No 11, Barwali, District Hanumangarh, Rajasthan.
13. Kavita Kumari W/o Rajmal Ghotia, Aged About 31 Years, R/o Ward No 9, Bhadi, Tehsil Bhadra District Hanumangarh, Rajasthan.
14. Suman W/o Kuldeep Singh, Aged About 35 Years, R/o Ward No 8, Sahuwala, Tehsil Bhadra District Hanumangarh, Rajasthan.
15. Tilok Chand Chhimpa S/o Khyaliram, Aged About 46



Years, R/o Knn, Phephana District Hanumangarh, Rajasthan.

16. Mukesh Kumari W/o Ajit Singh, Aged About 39 Years, R/o Palri, Tehsil Bhadra, District Hanumangarh, Rajasthan.
17. Kavita Devi W/o Mohan Lal, Aged About 35 Years, R/o Malkhera, Tehsil Bhadra, District Hanumangarh, Rajasthan.
18. Suman Kumari W/o Pradeep Kumar, Aged About 32 Years, R/o Chubkiya Tal, District Churu, Rajasthan.
19. Sharmila W/o Arvind Kumar, Aged About 32 Years, R/o Swai Chhani, 4 Chn Tehsil Bhadra, District Hanumangarh, Rajasthan.
20. Meena W/o Vijendra Kumar, Aged About 39 Years, R/o Beenjawas, Churu, Rajasthan.
21. Kumari Manju D/o Suresh Kumar, Aged About 33 Years, R/o Janau Khari, Churu ,rajasthan.
22. Saroj Kumari W/o Jai Singh Thalor, Aged About 42 Years, R/o Bherusari 6 Spd- A, Hanumangarh, Rajasthan.
23. Brashaspati W/o Ashok Kumar, Aged About 42 Years, R/o Ward No 1, Dabri, Tehsil Bhadra, District Hanumangarh, Rajasthan.
24. Manju W/o Lalchand, Aged About 40 Years, R/o Bharwana, Tehsil Bhadra, District Hanumangarh, Rajasthan.
25. Shushila Verma W/o Gajendra Verma, Aged About 52 Years, R/o 48, Vikash Nagar, Block A, Rangtalab (Kalatalab) Arjunpura, Kota, District Kota Rajasthan.
26. Gurpreet Kaur W/o Sandeep Singh, Aged About 37 Years, R/o Ward No. 8, Amargarh, Sadulshahar, 4 Krw, Ganganagar, District Sri Ganganagar Rajasthan.
27. Chhota Ram Dhaka S/o Bhanwar Lal, Aged About 45 Years, R/o Dabariyani Khurd, Tehsil Merta City, District Nagaur Rajasthan,
28. Umashankar Gochar S/o Moolchand Gochar, Aged About 47 Years, R/o Gurjar Mohalla, Ward No.2, Chardana, Tehsil Atru, District Baran.
29. Arpit Sharma S/o Devesh Sharma, Aged About 42 Years, R/o 70, Shivam Vihar Colony, Kota Road, Baran.



30. Murlidhar Nagar S/o Dhanna Lal, Aged About 46 Years, R/o 81, Nayapura Mohalla, Sukhneri, District Baran.
31. Kailash Chnd Nagar S/o Ram Gopal Nagar, Aged About 44 Years, R/o Village Sukhneri, Post Bilendi, Tehsil Chhipabarod, District Baran.
32. Harimohan Shakywal S/o Chhaganlal Shakyawal, Aged About 45 Years, R/o Gayatri Nagar, Atru, District Baran.
33. Rakesh Kumar Nagar S/o Meena Nagar, Aged About 44 Years, R/o H.no.33, Vhl, Near Chauth Mata Mandir, Vivekanand Nagar, Engineering College, Kota.
34. Sanjay Kumar Meghwal S/o Bajrang Lal Meghwal, Aged About 46 Years, R/o Gayatri Nagar, Khedaliganj, Atru, District Baran.
35. Shama Be W/o Asgar Ali, Aged About 41 Years, R/o Ward No.5, Galwan Mandir Ke Pichhe, Mangrol, District Baran.
36. Trilok Kumar Nagar S/o Shyamlal, Aged About 40 Years, R/o Dhakado Ka Mohalla, Ardand, District Baran.
37. Bajrang Singh Tanwar S/o Karan Singh Tanwar, Aged About 47 Years, R/o Old Nakoda Colony, Tel Factory, Baran.

-----Petitioners

Versus

1. State Of Rajasthan, Through Principal Secretary, Medical And Health Department, Government Of Rajasthan, Jaipur.
2. Director (Non-Gazetted), Medical And Health Department, Government Of Rajasthan, Jaipur.
3. Principal Medical Officer, Government District Hospital, Hanumangarh, Rajasthan.
4. Principal Medical Officer, Government District Hospital, Sri Ganganagar, Rajasthan.
5. Principal Medical Officer, Government District Hospital, Churu, Rajasthan.
6. Principal Medical Officer, Government District Hospital, Nagaur, Rajasthan.
7. Principal Medical Officer, Government District Hospital, Baran, Rajasthan.



8. Principal Medical Officer, Government District Hospital, Kota Rajasthan.
9. The Chief Medical And Health Officer, Hanumangarh Rajasthan.
10. The Chief Medical And Health Officer, Sri Ganganagar Rajasthan.
11. The Chief Medical And Health Officer, Churu Rajasthan.
12. The Chief Medical And Health Officer, Nagaur Rajasthan.
13. The Chief Medical And Health Officer, Baran, Rajasthan.
14. The Chief Medical And Health Officer, Kota Rajasthan.

----Respondents

For Petitioner(s)	:	Mr. V.S. Bhawla.
For Respondent(s)	:	Mr. Tanuj Jain for Mr. Mukesh Dave.

HON'BLE DR. JUSTICE NUPUR BHATI

Order

25/02/2026

1. The present writ petition has been filed with the following prayers:-

"1. the action of the respondents while not extending the petitioners the benefits and grant of fixation of their salary of selection grades after completion of 9, 18 and 27 years of services in the upgraded pay scales while not counting their services from the date of their initial appointment, may kindly be declared per se illegal, arbitrary, unjust and in clear violation of the relevant provisions of law.

2. the respondents be directed to confer the benefits and grant fixation of their salary of Selection Grades after completion of 9, 18 and 27 years of service in the upgraded pay scales counting their services w.e.f. the date of their initial appointment with all consequential benefits including arrears of salary.

3. the respondents be directed to count the services of the petitioners rendered by them as Nurse Gr.II in the same department under the Rules of 1965 for all purposes including pension, seniority, gratuity, commutation of leave etc. and to confer them all the benefits accruing from the past services rendered by



them in the department of Medical and Health as Medical Officer under the Rules of 1965.

4. pass any other order, which this Hon'ble Court deems fit and proper in the facts and circumstances of the case.
5. Cost of the writ petition may kindly be granted to the petitioners."

2. Brief facts of the case, as stated in the writ petition, are that the petitioners are Nursing Officers under the Department of Medical and Health Services, Rajasthan, initially appointed in 2003 as GNM/Nurse Grade-II after regular selection against sanctioned posts under the Rajasthan Medical and Health (Subordinate) Service Rules, 1965. Though appointed on fixed pay/temporary basis, their appointments were substantive in nature and they rendered continuous, uninterrupted service without adverse record. On subsequent recruitment under the Rajasthan Rural Medical and Health Subordinate Service Rules, 2008, their services have been counted only from the date of appointment under the 2008 Rules, ignoring service rendered since 2003. As a result, they have been denied seniority, selection grades (9, 18, 27 years), promotion, pension and other consequential benefits. The petitioners claim parity with similarly situated employees and allege violation of Articles 14 and 16 of the Constitution due to non-counting of their entire service from 2003.

3. Learned counsel for the petitioner at the outset submits that the controversy and principal issue involved in this case has already been dealt with by a Division Bench of this Court in D.B. Civil Special Appeal (Writ) No.380/2016 titled as ***State of Rajasthan & Ors. Vs. Dr. Dinesh Kumar Soni*** and it is apprised to this court that an SLP as well as review in the SLP against the order above have been dismissed. Observing all those things in a judgment rendered in a batch of Special Appeal Writs led by **D.B.**



Spl. Appl. Writ No.532/2016 (The State of Rajasthan & Ors. vs. Dr. Paritosh Ujjwal & Ors.), Hon'ble the Division Bench while considering the nature of appointment, existence of cadre, post upon which appointment was made and upon making observance on following up the entire procedure, i.e., inviting of applications etc., dismissed the appeals filed by the State. In **Dr. Paritosh Ujjwal** (supra), the Division Bench while dealing with akin facts, while relying upon the Apex Court judgment in the case of **Jaggo v. Union of India & Ors.; (2024) SCC ONLINE SC 3836**, observed as under:-

"25. Though appellants has taken conflicting stands as to the writ petitioner being engaged on contractual or urgent temporary engagement or ad-hoc basis, the fact is that the writ petitioner performed the duties which was integral to the post of medical officer and their long standing services was under the direct supervision of the Government Department. Not only this, the grant of pay-scales and other allowances which is payable to the post in hand further fortify the stand that the writ petitioner was simply labeled as temporary but they was discharging the regular duties and was working against the sanctioned posts."

11. Therein, the Division Bench concluded as under:-

"28. Another consideration which is weighing in our mind is that against the same impugned order an appeal filed by the State Government being D.B. Civil Special Appeal (Writ) No.380 of 2016 titled "State of Rajasthan & Ors. v. Dr. Dinesh Kumar Soni" has already been dismissed, though on the ground of limitation and SLP as well as review in the SLP has been dismissed. We is not inclined to take a



different view in the present case. In the present cases, the appointments was against the vacant posts and after undertaking the selection process, though not by the Commission but by a Screening Committee, the same was having all the trappings of regular recruitment, inasmuch as, the writ petitioner was held entitled for regular pay-scales, increments and all other allowances which is clear from the appointment order itself. Thus, the denial of the tenure of service undertaken by the petitioner pursuant to the appointment order dated 28th November 1996 is not all justified and the learned Single Judge has rightly considered all the aspects of the matter while allowing the writ petition filed by the petitioner."

3. The Division Bench vide the above order, affirmed the following order of the learned Single Judge passed in **S.B. Civil Writ Petition No.9582/2008; Dr. Paritosh Ujjwal Vs. State of Rajasthan & Ors.** (decided on 12.02.2014):

"7. Consequently, these writ petition is allowed with a direction to the State Government to grant the benefit of continuity of service to the petitioner and the period of service rendered earlier, may be reckoned from the initial date of appointment for all purposes since the new 2008 Rules now stand repealed w.e.f. 03.01.2012 and in the saving clause of the said Notification, it is clearly provided that the appointments, orders and anything done under the said Rules of 2008 shall be deemed to has been made in the provisions of Rajasthan Medical & Health Service Rules, 1963.



8. *The writ petition is, accordingly, allowed with aforesaid observations and directions. No costs. A copy of the order be sent to the concerned parties forthwith."*

4. The submission of the learned counsel for the State that in the case of **Dr. Paritosh Ujjwal** (supra), a Selection Committee had been constituted for the purpose of recruitment of the petitioners therein, whereas in the present case, the aspirants were merely allowed through the advertisement to drop their relevant papers in the boxes installed, does not carry much substance. I am of the view that in the case of petitioners also, the entire selection process was followed up in accordance with the procedure established by law. The issue involved in this case has adequately been answered and thus the petitioners too deserve to get the same treatment as has been given in the case of **Dr. Paritosh Ujjwal** (supra). Hence, I am of the view that the controversy involved in the case referred supra and the case in hand is the same and there are no distinguishable features so as to disentitle the petitioners to get the same benefit as has been given to the petitioners in the case of **Dr. Paritosh Ujjwal** (supra) in the same terms and conditions and fashion.

5. Learned counsel for the respondent is not in a position to refute that the issue involved is squarely covered by **Dr. Paritosh Ujjwal** (supra).

6. In view of the ratio laid down in **Dr. Paritosh Ujjwal** (supra), the present writ petitions are allowed.

7. The respondents are directed to compute the services of the petitioner from the date of their initial appointment on temporary/ adhoc/urgent basis and after the said computation, grant them



the benefit of continuity of service for all purposes. Appropriate orders be passed within a period of eight weeks from now.

8. Stay petition and all pending applications, if any, stand disposed of.

(DR.NUPUR BHATI),J

291-pradeep/-