

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

S.B. Civil Writ Petition No. 4838/2026

1. Naveen Jhaghria S/o Om Prakash, Aged About 42 Years, R/o Vpo Jananna, Tehsil Bhadra, District Hanumangarh, Rajasthan.
2. Bhateri W/o Raj Kumar, Aged About 37 Years, R/o Vpo Mojana, Tehsil Bhadra, District Hanumangarh, Rajasthan.
3. Mamta Kumari W/o Nar Singh, Aged About 40 Years, R/o Vpo Bhanai, Tehsil Bhadra, District Hanumangarh, Rajasthan.
4. Krishan Lal Sharma S/o Bhanshi Dhar Sharma, Aged About 47 Years, R/o Ward No. 06 Rawatsar, District Hanumangarh, Rajasthan.
5. Jatin Yadav S/o Ram Gopal Yadav, R/o Vpo Bhojasar, Tehsil Bhadra, District Hanumangarh, Rajasthan.
6. Vinod Kumar Mandel S/o Mangla Ram Mundel, Aged About 48 Years, R/o Vpo Mirjawalimer Rawatsar, District Hanumangarh, Rajasthan.
7. Pratap Singh S/o Hans Ram, Aged About 45 Years, R/o Vpo Bojhala, District Hanumangarh, Rajasthan
8. Rajbala W/o Raghuveer, Aged About 32 Years, R/o Vpo Jatan, Tehsil Bhadra, District Hanumangarh, Rajasthan.
9. Amit Gadh Wal S/o Tara Chand, Aged About 33 Years, R/o Vpo Ward No. 09, Rawatsar District Hanumangarh, Rajasthan.
10. Rakesh Kumar S/o Lachhiram, R/o Vpo Dulmani Jatan, Tehsil Pillibagha, District Hanumangarh, Rajasthan
11. Madan Kour Kaswan W/o Krishan, Aged About 45 Years, R/o Vpo Rampura, Kunji ,tehsil Bhadra, District Hanumangarh, Rajasthan.
12. Krishana Kumari W/o Shyamlal, Aged About 36 Years, R/o Vpo Janana, Tehsil Bhadra, District Hanumangarh, Rajasthan.
13. Priyanka Kumari D/o Naresh Kumar, Aged About 30 Years, R/o Vpo Sagara, Tehsil Bhadra, District Hanumangarh, Rajasthan.
14. Rakesh Kumar Singh S/o Roshan Lal, Aged About 31 Years, R/o Ward No. 09 Karanpura, Tehsil Bhadra, District

Hanumangarh, Rajasthan.

15. Shiv Prakash S/o Ramswarup, Aged About 45 Years, R/o Ward No 6, Dhani 6 Hpd Hardyalpura, District Hanumangarh, Rajasthan.
16. Priksha Kumari W/o Vijender Singh, Aged About 37 Years, R/o Vpo Janana, Tehsil Bhadra, District Hanumangarh, Rajasthan.
17. Ratan Kumar S/o Ram Chander, Aged About 32 Years, R/o Vpo Chanani Bari, Tehsil Bhadra, District Hanumangarh, Rajasthan.
18. Neelam Rani W/o Vinod Kumar, Aged About 41 Years, R/o Ward No. 17 Hanumangarh Town, District Hanumangarh, Rajasthan.
19. Manju W/o Sunil Kumar, Aged About 37 Years, R/o Vpo Bheerani, Tehsil Bhadra, District Hanumangarh, Rajasthan.
20. Renu Bala W/o Anil Kumar, Aged About 35 Years, R/o Ward No. 24 Shivpura Bas, Tehsil Bhadra, District Hanumangarh, Rajasthan.
21. Ritu W/o Mukesh Kumar, Aged About 31 Years, R/o Vpo Chobara, Tehsil Bhadra, District Hanumangarh, Rajasthan.
22. Anita Meghwal W/o Kuldeep, Aged About 34 Years, R/o Ward No. 1 Doltawali, 3T, District Hanumangarh, Rajasthan.
23. Dinesh Kumar S/o Ram Niwas, Aged About 42 Years, R/o Ward No. 32 Hanumangarh Town, District Hanumangarh, Rajasthan.
24. Divakar S/o Shankar Lal Swami, Aged About 43 Years, R/o Ward No. 10, Tehsil Bhadra, District Hanumangarh, Rajasthan.
25. Shanker Lal Prajapat S/o Sohan Lal, Aged About 45 Years, R/o Ward No. 11, Tehsil Bhadra, District Hanumangarh, Rajasthan.
26. Ratanlal S/o Hetram, Aged About 35 Years, R/o Village Gandheli, District Hanumangarh, Rajasthan.
27. Dimple Chimpa W/o Vijay Kumar, Aged About 44 Years, R/o Ward No. 24, District Hanumangarh, Rajasthan .

28. Jagat Pal S/o Pokar Ram, Aged About 36 Years, R/o Vpo Bhangwa, District Hanumangarh, Rajasthan.
29. Bhanu Pratap S/o Tula Ram, Aged About 38 Years, R/o Ward No. 08, 31 M.o.d District Hanumagarh, Rajasthan.
30. Rajesh Kumari W/o Sunil, Aged About 47 Years, R/o Amarpura, Ajitpura, District Hanumangarh, Rajasthan.
31. Satrupa Devi W/o Krishan Kumar, Aged About 44 Years, R/o Near Sarkari School, Malwani, District Hanumangarh, Rajasthan.
32. Vinod Kumar S/o Phoola Ram, Aged About 43 Years, R/o Ward No 07, Vpo Raslana, Tehsil Bhadra, District Hanumangarh, Rajasthan.
33. Sanjay Choudhary S/o Nandram, Aged About 41 Years, R/o Ward No. 08, Village Shoyra Tada, Bhadra District Hanumangarh, Rajasthan.
34. Kiran Kumari W/o Vikash Kumar, Aged About 37 Years, R/o Vpo Bairasar Bara, District Churu, Rajasthan.
35. Ratandeep Kour, Aged About 42 Years, R/o Ward No. 07, Near Gurudwara Sahib, Nukera, District Hanumangarh, Rajasthan.
36. Pramjeet Kour W/o Jeetendra Singh, Aged About 45 Years, R/o Patwari Mohalla, Ward No. 10, Sangria District Hanumangarh, Rajasthan.
37. Jasmeet Kaur, Aged About 44 Years, R/o Star City Super, Hanumangarh Jn. District Hanumangarh, Rajasthan.

-----Petitioners

Versus

1. State Of Rajasthan, Through Principal Secretary, Medical And Health Department, Government Of Rajasthan, Jaipur.
2. Director (Non-Gazzetted), Medical And Health Department, Government Of Rajasthan, Jaipur.
3. Principal Medical Officer, Government District Hospital, Hanumangarh, Rajasthan.
4. Principal Medical Officer, Government District Hospital, Churu, Rajasthan.
5. The Chief Medical And Health Officer, Hanumangarh Rajasthan.

6. The Chief Medical And Health Officer, Churu 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