



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

D.B. Special Appeal Writ No. 500/2026

1. State Of Rajasthan, Through The Secretary Department Of Personal Government Of Rajasthan Jaipur Main Building Secretariat Jaipur 302005 Rajasthan
2. Principal Secretary, Department Of Medical And Health Services Government Of Rajasthan Jaipur Swasthya Bhawan Tilak Marg C Scheme Jaipur
3. The Secretary, Department Of Medical And Health Services Group Ii Government Of Rajasthan Jaipur Swasthya Bhawan Tilak Marg C Scheme Jaipur 302005
4. The Director (Public Health), Medical And Health Services Government Of Rajasthan Jaipur Swasthya Bhawan Tilak Marg C Scheme Jaipur 302005
5. The Joint Secretary, Medical And Health Services (Group 2) Department Jaipur

----Appellants

Versus

Dr. Dinesh Kumari Charan D/o Bhawani Singh, Aged About 59 Years,
Residing At 33, Golf Course Scheme Jodhpur

----Respondent

For Appellant(s)	:	Ms. Aditi Sharma and Ms. Kanchan Jodha for Mr. NS Rajpurohit, AAG
For Respondent(s)	:	None Present

HON'BLE MR. JUSTICE ARUN MONGA
HON'BLE MR. JUSTICE SUNIL BENIWAL
Order(Oral)

30/04/2026

Per : Arun Monga, J

I.A. No.01/2026:-

1. Though there is a delay of 228 days in filing the accompanied appeal, but since in course of hearing today we have heard arguments on merits on the appeal itself, we deem it appropriate to first deal with the appeal itself in the succeeding part of the order.

D.B. Special Appeal Writ No. 500/2026:-

1. Appellants, herein, are against the order dated 21.05.2025 passed by learned Single Judge of this Court in S.B. Civil Writ Petition No.10206/2025, whereby the writ petition of the respondent was allowed and he was allowed to continue in service upto the age of 62 years.

2. Succinctly speaking brief facts of the case leading to present appeal are that the respondent is a Bachelor of Dental Surgery (BDS) graduate, having obtained the degree in 1994. He was registered with the Rajasthan State Dental Council, Jaipur on 13.11.2013 and was allotted a registration number thereafter. The petitioner was selected pursuant to a recruitment process conducted by the Rajasthan Public Service Commission in 1995 and was appointed as Medical Officer (Dental) vide order dated 18.05.1996. He accordingly joined Government Hospital, Balotra, District Barmer, Rajasthan, and has since been serving in the said capacity.

2.1 During the course of service, the respondent received successive promotions in the dental cadre. He was promoted to the post of Junior Specialist (Dental) vide order dated 11.07.2011, thereafter to Senior Specialist (Dental) vide order dated 01.04.2014, and subsequently to the post of Principal Specialist vide order dated 01.04.2020. The respondent continued in service in the said promotional cadre and was due to attain the age of superannuation on 31.08.2025, scheduled to retire on that date.

2.2 In the meantime, the respondent filed a writ petition before this Court seeking continuation of his service till attaining the age of 62 years, which was allowed on 21.05.2025 primarily placing reliance on the judgment rendered in ***Dr. Sarvesh Pradhan v. State of Rajasthan & Ors.***¹

1 D.B. C.W.P. 5281/2023

2.3 Hence, the present appeal.

3. Learned counsel for the appellants submits that the impugned judgment is unsustainable as it was passed without affording an opportunity to file a reply and without proper consideration of relevant legal aspects. It is contended that reliance on the decision in *Dr. Sarvesh Pradhan (supra)* is misplaced, as its applicability was not examined in light of subsequent judgments of Hon'ble the Supreme Court, and mere non-challenge to that decision does not bar the appellants from raising similar issues in other cases.

3.1 It is further submitted that the age of superannuation is governed by the Rajasthan Medical Service (Collegiate) Branch Rules, 1962, which prescribe 62 years, with a limited exception extending it to 65 years only for allopathic doctors. There is no provision granting such benefit to Medical Officers (Dental). The judgments relied upon are distinguishable, being in personam and not in rem, and cannot override statutory rules.

3.2 Lastly, it is argued that fixation of retirement age is a matter of policy based on administrative needs. The extension granted to allopathic doctors is due to shortage in that cadre and cannot be equated with dental officers. Any such extension would adversely impact employment opportunities for eligible candidates.

4. Heard learned counsel for the appellants and perused material available on record.

5. At the threshold we would like to observe that the learned Single Judge, vide the impugned order dated 21.05.2025, adopted the reasoning rendered in ***Dr. Sarvesh Pradhan vs. State of Rajasthan & Ors. (supra)***, which itself was decided in the light of the judgment in ***Dr. Ranjan Mathur vs. State of Rajasthan & Ors***². The judgment in ***Dr. Ranjan Mathur*** having been affirmed by the Hon'ble Supreme

Court³, has attained finality. We are, therefore, of the considered view that the controversy involved in the present appeal is no longer *res integra*. For ready reference, Hon'ble the Supreme Court order is reproduced herein below:

- “1. Heard Dr. Manish Singhvi, learned senior counsel appearing for the petitioner(s) Ahmed, Mr. Puneet Jain and Mr. Manish Verma, learned counsel appearing for the respondents. Mr. Ajay Choudhary, learned counsel appears for the applicant in application(s) for impleadment. State of Rajasthan. Also heard Mr. Adeel.*
- 2. IA Nos. 66651 of 2023, 96650 of 2023 and 100293 of 2023 (applications for impleadment) are allowed.*
- 3. The counsel for the State of Rajasthan submits that since there is shortage of Allopathic doctors serving under the Rajasthan Government, a decision was taken to raise the retirement age of Allopathic doctors from 60 years to 62 years. However, since there were large number of Ayush doctors serving with the State Government, similar raising of retirement age for Ayush doctors was not considered necessary by the Government. Dr. Singhvi would then argue that different retirement age for the Allopathic doctors and the Ayush doctors would not attract the argument of discrimination under Article 14 of the Constitution.*
- 4. The impugned judgment rendered by the High Court granting parity relief to the Ayush doctors was based on the judgment of this Court in North Delhi Municipal Corporation v. Dr. Ram Naresh Sharma & Ors. reported in (2021) 17 SCC 642. In this case, the Court noted that the doctors, both under the Ayush and Allopathic stream, render service to patients and on this core aspect, there is nothing to distinguish one from the other.*
- 5. The records would show that the above decision of this Court was followed by the High Courts in Uttar Pradesh, Madhya Pradesh and Uttarakhand. The like decision taken by the High Court of Rajasthan favouring the Ayush doctors in raising their retirement age to 62 years, is under challenge here.*
- 6. It is relevant to note that this Court on 24.03.2022 has dismissed the State's appeal in SLP (Civil) No. 33645 of 2018 arising out of the judgment dated 03.04.2018 rendered by the High Court of Uttarakhand in the WP No. 484 of 2014.*
- 7. The arguments advanced by the learned counsel and the reasoning given by this Court in Dr. Ram Naresh Sharma (supra) are carefully considered. No infirmity is found with the impugned judgment dated 13.07.2022 whereunder parity relief on retirement age was granted to the Ayush doctors. The Special Leave Petitions are accordingly dismissed.*
- 8. Pending application(s), if any, shall stand closed.”*

6. The issue with regard to parity in the age of superannuation between similarly situated medical practitioners already stands settled in view of the judgment rendered in **Dr. Ranjan Mathur,(supra)** as affirmed by Hon'ble the Supreme Court. The learned Single Judge has merely followed the settled proposition of law while allowing the writ petition of the respondent and we also subscribe the same view as

already recorded in the impugned judgment. We, therefore, need add no more other than observing that we are in respectful agreement with the learned Single Judge.

7. The contention sought to be raised by learned counsel for the appellants that the judgments relied upon by the learned Single Judge are distinguishable or confined in personam does not persuade us. Once the legal principle underlying the issue has attained finality before Hon'ble the Supreme Court, the same cannot be permitted to be reagitated merely on the ground that the earlier judgments were not challenged in certain cases or that different nomenclature of medical streams exists. The foundational principle remains one of parity amongst similarly situated medical professionals discharging comparable public functions.

8. Consequently, the appeal, being devoid of merit, stands dismissed. Pending application(s), if any, including the one seeking condonation of delay also stand dismissed.

(SUNIL BENIWAL),J

(ARUN MONGA),J

18-raksha/-