

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

S.B. Civil Writ Petition No. 5708/2026

Pankaj Kumar Saharan S/o Shri Chunni Lal Saharan, Aged About 31 Years, Resident Of Village Dhana Patta Satyum, Dhani Kumharan, Churu, Rajasthan. Lastly Posted At Community Health Center (Chc), Lalgarh, Block Bidasar, District Churu, Rajasthan.

----Petitioner

Versus

1. State Of Rajasthan, Through The Principal Secretary, Medical And Health Department, Government Of Rajasthan, Secretariat, Jaipur.
2. The Joint Secretary, Medical And Health (Group-2) Department, Government Of Rajasthan, Secretariat, Jaipur.
3. The Director (Public Health), Medical And Health Services, Swasthya Bhawan, Tilak Marg, C-Scheme, Jaipur.
4. The District Collector Cum Chairman, Rajasthan Medicare Relief Society, Churu Raj.
5. The Chief Medical And Health Officer, Ratangarh, Churu Raj.
6. Block Chief Medical Officer, Bidasar, District Churu Raj.

----Respondents

For Petitioner(s) : Mr. Ravindra Mavliya
Mr. Utkarsh Goyal

For Respondent(s) : Mr. Tanuj Jain

HON'BLE MR. JUSTICE FARJAND ALI

Order

24/03/2026

1. With the consent of both the parties, the matter is heard on final disposal.
2. The present writ petition is filed challenging the action of the respondents in not continuing the services of the petitioners to the post of Medical Officer on Temporary Urgent Basis.
3. The petitioner was initially recruited to the post of Medical Officer on Urgent Temporary Basis by way of contract and the terms of contract clearly indicate that any such an appointments are made subject to one year or till the regular

appointments are made, whichever is earlier. Subsequently, by order dated 30.04.2025, the employment of the petitioners was extended till 30.09.2025, and thereafter, there was no extension order, therefore, they have filed the present writ petition.

4. The case of the State is that the very contract is for an engagement for one year or till the regular appointments are made, whichever is earlier and their services were not further extended for the reason that a regular recruitment to the post of Medical Officer has already been done and posted. Therefore, the petitioners have no vested right to continue after the regular appointments are made to the post of Medical Officer.
5. Learned counsel appearing for the petitioners fairly submitted that the engagement of Medical Officer through regular recruitment is already done and they have no vested right to seek continuation on such post, where the appointments are made regularly; however, the respondents may sympathetically consider their case for re-engagement on the vacant post, which are unfilled with regular recruitment and such a vacant post also be filled basing on the merit as well as period of experience of the candidates, who were being disengaged by virtue of regular appointments.
6. Learned counsel for the respondents submits that if the respondent-Authority decided to fill-up any unfilled vacancies, which are available after filling up of the regular vacancies, the case for reengaging the persons may be

considered sympathetically including the case of the petitioners for re-engagement on the vacant/unfilled post subject to merit and period of experience among the candidates.

7. The terms of the contract clearly indicate that their appointment is on Temporary Basis and for a fixed period or happening of certain eventuality of regular appointments. Since the very discontinuation is based on the regular appointments, the petitioners have no vested right to continue work on the post of Medical Officer for the reason that they have appointed on Temporary Urgent Basis, however, when the respondents seek to re-employ in the vacant post of Medical Officer after regular recruitment, the case of the petitioners or others are required to be considered sympathetically.
8. In the above factual facts and circumstances of the case and contentions of the parties, the writ petition is disposed of with the directions to the respondents to consider the case of the petitioners and other persons if any in the vacant post of Medical Officer on Urgent Temporary Basis, their services are required to be considered subject to same terms and conditions and the said consideration shall be based on period of experience and merit.
9. Pending applications, if any stand disposed of.

(FARJAND ALI),J