

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

D.B. Civil Writ Petition No. 7246/2025

Smita Pradhan D/o Kailash Chandra Pradhan, Aged About 31
Years, R/o Kacheri Bazar, Nayagarh, Orissa.

-----Petitioner

Versus

1. Union Of India, Through The Secretary, Ministry Of Health
And Family Welfare, New Delhi.
2. All India Institute Of Medical Sciences (Aiims), Jodhpur,
Through Its Director.
3. The Director, All India Institute Of Medical Sciences
(Aiims), Jodhpur.
4. The Senior Administrative Officer, All India Institute Of
Medical Sciences(Aiims), Jodhpur.

-----Respondents

For Petitioner(s)	:	Mr. Rishabh Tayal Mr. Jitendra Choudhary
For Respondent(s)	:	Mr. K.R. Meghwal

**HON'BLE DR. JUSTICE PUSHPENDRA SINGH BHATI
HON'BLE MR. JUSTICE SANDEEP SHAH**

Order

24/03/2026

1. Learned counsel for the petitioner has filed the present
petition with the following prayers:-

- "a. Declare that the Recruitment Rules of Non-Faculty Posts for New
AIIMS, 2015, insofar as they prescribe the essential qualifications
for the post of Psychiatric Social Worker, are ultra vires the Mental
Healthcare Act, 2017, and consequently, void ab initio.
- b. Issue a Writ of Certiorari quashing the Notification dated
19.07.2024 (Annexure-1) and the Communication dated
21.02.2025 (Annexure-2), being arbitrary, illegal, and based on an
erroneous interpretation of law.
- c. Issue a Writ of Mandamus directing the Respondents to consider
the Petitioner's candidature for the post of Psychiatric Social Worker
in accordance with the Mental Healthcare Act, 2017, disregarding

the inconsistent provisions of the Recruitment Rules of Non-Faculty Posts for New AIIMS, 2015.

- d. Issue a Writ of Mandamus directing the Respondents to appoint the Petitioner to the post of Psychiatric Social Worker, recognizing her qualifications as mandated by the Mental Healthcare Act, 2017.
- e. Declare that the rejection of the petitioner's candidature is disproportionate to the qualifications held by the petitioner.
- f. Declare that the respondents have violated the object and purpose of the Mental Healthcare Act, 2017.
- g. Declare that the petitioner had a legitimate expectation that her qualifications would be duly considered.
- h. Declare that the respondents are estopped from denying that the petitioner's qualifications are valid for the position of Psychiatric Social Worker.
- i. Declare that the respondent's rejection of the petitioner's application and candidature for the post of Psychiatric Social Worker is violative of articles 14 and 16 of the constitution of India.
- j. Award costs of this Petition, including advocate's fees and incidental expenses.
- k. Grant any other relief(s) as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case, in the interests of justice, equity, and good conscience."

2. Learned counsel for the petitioner has submitted that the petitioner had succeeded on merits, however, her candidature was rejected vide notification dated 19.07.2024 on the ground that she did not possess the requisite qualifications as well as the required professional experience.

3. Learned counsel for the petitioner by filing the present writ petition challenged the Recruitment Rules of Non-Faculty Posts for New AIIMS, 2015 (hereinafter referred to as the Recruitment Rules, 2015) on the ground that they are contrary to the qualifications prescribed for the post of Psychiatric Social Worker under the Mental Healthcare Act, 2017 (hereinafter referred to as the Act of 2017). He drew the attention of this Court towards

Section 2(1)(X) of the Act of 2017, wherein the qualification prescribed for Psychiatric Social Worker is defined as follows:

"2(1)(X) "psychiatric social worker" means a person having a post-graduate degree in Social Work and a Master of Philosophy in Psychiatric Social Work obtained after completion of a full time course of two years which includes supervised clinical training from any University recognised by the University Grants Commission established under the University Grants Commission Act, 1956 or such recognised qualifications, as may be prescribed;"

4. Learned counsel for the petitioner has submitted that the qualification prescribed in the advertisement dated 20.06.2023 is as follows:-

- "i. M.A. or M.Sc. Degree in Psychology/Psychiatric Social Work from a recognized Institute/University.*
- ii. Five years working experience in Vocational Guidance and counselling in Psychiatric Centre."*

5. Learned counsel for the petitioner has submitted that the deviation in the advertisement from the qualifications prescribed under the Act of 2017 is a clear violation of the statute, as the Rules cannot have any overriding impact over the Act. He has further submitted that once the definition and the co-related qualification is obtained by the petitioner, the respondents could not have come out with a stand that they have the right to prescribe the qualification.

6. Learned counsel for the respondents, however, submitted that the petitioner's candidature for the post of Psychiatric Social Worker, pursuant to the advertisement dated 20.06.2023, was considered strictly in accordance with the Recruitment Rules, 2015 for non-faculty posts, which were enforced and binding upon the respondents. He has further submitted that the Act of 2017 provides statutory definitions for regulatory purposes under the

Act, but does not amend or override the Recruitment Rules, 2015 applicable to AIIMS, Jodhpur, therefore, the argument that the Act *ipso facto* overrides the Recruitment Rules cannot be accepted.

7. He has further submitted that the petitioner holds the qualifications of B.A and M.A. in Social Work and M.Phil in Psychiatric Social Work, whereas the essential criteria prescribed in the Recruitment Rules, 2015 and the advertisement, expressly prescribed an essential qualification of Master's Degree (M.A./M.Sc.) in Psychology or Psychiatric Social Work. The petitioner's M.A. degree is in Social Work and not in Psychology or Psychiatric Social Work.

8. He has also submitted that the petitioner participated in the selection process in pursuance to the advertisement dated 20.06.2023 with open eyes and did not challenge the same at the threshold, despite being aware that she did not meet the prescribed qualifications.

9. This Court has heard learned counsel for the parties and is of the opinion that the advertisement dated 20.03.2023 clearly prescribes the essential qualifications as M.A/M.Sc. in Psychology or Psychiatric Social Work, alongwith five years' working experience in vocational guidance and counselling in a psychiatric centre, and since the petitioner, admittedly not possessing the said qualification, she should have come out with the issue at the threshold when the advertisement was there, and coming with the issue at this belated stage, when she herself had participated in the selection process in pursuance of the advertisement in question and thereafter, upon being not successful, has challenged

the same on the ground that the qualification was contrary to the Mental Health Care Act, 2017.

10. This Court is satisfied that if at all some issue arises pertaining to the eligibility criteria and qualification, which is mostly the domain of the employer, but of course in the statutory framework then also the right to challenge Rule could be emphasized or could be exercised only when the cause of action arises, and not when the petitioner knowingly participates in the selection process and, at the end of selection process, is told that she could not qualified due to not possessing the basic eligibility qualification as well as the necessary criteria.

11. The argument of learned counsel for the petitioner that she was initially declared qualified is also not acceptable because the initial scrutiny in selection process is often not conducted at the threshold to streamline the exercise of scrutiny and the efforts made for the same. The scrutiny, normally these days in selection process, made at the end so as to enable the employer to have a narrow compass for scrutiny, impacting only those candidates who otherwise would succeed, as it would be a waste of exercise if such scrutiny is done at the threshold for a large number of participating candidates, thereby wasting the energy of the employer. The juncture of scrutiny is the prerogative of the employer and thus ought not to be interfered with by this Court.

12. In view of the aforesaid, this Hon'ble Court is not inclined to entertain the present challenge at such a belated stage, particularly when the petitioner, with full knowledge of the prescribed eligibility criteria, participated in the selection process

and approached this Court only after declaration of the result. No case warranting interference is made out.

13. Accordingly, the present writ petition is dismissed.

14. All pending applications stand disposed of.

(SANDEEP SHAH),J

(DR.PUSHPENDRA SINGH BHATI),J

31-Love/-