

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

S.B. Civil Writ Petition No. 11887/2025

Mahavir Singh Meena S/o Shri Meetha Lal Meena, Aged About 32 Years, Resident Of House No. 2 Police Line Ke Piche, Meena Colony, Sawai Madhopur, Rajasthan - 322001.

-----Petitioner

Versus

1. State Of Rajasthan, Through The Secretary, Department Of Medical And Health Science (Group-Ii), Government Of Rajasthan, Jaipur.
2. Director, (Non-Gazetted), Medical Health And Family Welfare, Rajasthan, Jaipur.
3. The Director, State Institute Of Health And Family Welfare (Sihfw), Department Of Health, Jaipur.
4. The Joint Director, Medical And Health Services Zone, Bharatpur.
5. The Chief Medical And Health Officer, Sawai Madhopur.

-----Respondents

For Petitioner(s)	:	Mr. Rajat Arora Mr. Lucky Rajpurohit
For Respondent(s)	:	Mr. Tanuj Jain for Mr. Mukesh Dave, AGC.

HON'BLE MR. JUSTICE KULDEEP MATHUR

Order

05/05/2026

By way of filing the present writ petition, the petitioner has prayed for the following reliefs:

"It is, therefore, most humbly and respectfully prayed that the Writ Petition may kindly be allowed and by issuing an appropriate writ, order or direction:-

- i. The present Writ Petition may kindly be allowed and the impugned action and undated decision of Niti Nirdharan Samiti (Annexure-15), whereby, the respondent authorities have arbitrarily denied the benefit of 20 bonus marks to the Petitioner, be quashed & set aside while holding it to be absurd, arbitrary and contrary to the rules & guidelines and,*
- ii. The respondent CMHO be directed to issue the experience certificate of the work of GNM (Nursing Officer) for the period 1st August 2013 till 28th February 2015 in favour of the petitioner and thereafter respondent department be directed to consider the same for the recruitment of post of Nursing Officer emanating from the advertisement dated 05.05.2023 (Annexure-4) and,*
- iii. The Petitioner may further kindly be declared entitled for 20 bonus marks in accordance with the experience certificate already*

issued in his favour (Annexure 5) and the experience certificate to be issued in the light of the prayer no. (ii) and,
iv. Consequently, the respondent authorities be also directed to consider the candidature of the petitioner in his respective categories and thereby grant selection and appointment on the post of Nursing Officer in accordance with his merits pursuant to Advertisement dated 05.05.2023 (Annex.-4).
v. The condition/s of the advertisement requiring for submission of experience certificate and details of such experience certificate along with application form, may kindly be held to be inapplicable owing to the peculiar facts & circumstances of the case, wherein, the respondent CMHO itself did not issue experience certificate to the petitioner despite the entire record available with them.
vi. That the Hon'ble Court may be pleased to impose substantial cost on the respondents in the facts and circumstance of the case....."

2. That the present writ petition has been filed by the petitioner being aggrieved by the denial of the benefit of bonus marks for the experience allegedly gained by him while working as 'GNM/Nursing Personnel' under the Medical Mobile Unit (MMU) Scheme during the period from 01.08.2013 to 28.02.2015.

3. Learned counsel for the petitioner submitted that respondent No.3, Director, State Institute of Health and Family Welfare, issued an advertisement dated 05.05.2023 under the provisions of the Rajasthan Medical and Health Subordinate Rules, 1965, inviting applications from eligible candidates for appointment to a total of 6981 posts of Nursing Officer for Non-TSP Area and 39 posts for Sahariya Backlog. According to learned counsel for the petitioner, the number of vacancies was subsequently increased to 8750. The minimum educational qualifications prescribed for the post of Nursing Officer in the advertisement were Senior Secondary or its equivalent qualification; GNM course or its equivalent qualification from an institute recognized by the State Government; and registration with the Rajasthan Nursing Council. Learned counsel submitted that the advertisement further provided that bonus marks shall be granted to candidates as per order dated 25.04.2023, wherein candidates who had served under the MMU/

MMV Scheme and had gained experience similar to the advertised posts were made entitled to bonus marks.

4. Learned counsel submitted that although the petitioner had in fact worked under the Medical Mobile Unit (MMU) Scheme during the period from 01.08.2013 to 28.02.2015, the concerned authorities, despite his repeated requests, failed to issue the requisite experience certificate. Consequently, at the time of filing the online application form, the petitioner could not disclose the said experience along with the prescribed certificate. He only attached a COVID Health Assistance Certificate with the application form, on the basis of which he was granted 15 marks. Learned counsel submitted that had the experience certificate for the period from 01.08.2013 to 28.02.2015 been issued in time, he would have become entitled to an additional 20 marks and would have fallen within the zone of consideration for appointment to the post of Nursing Officer. Learned counsel submitted that the petitioner has been made to suffer for the mistake committed by the authorities of the respondent department, who were responsible for issuing the experience certificate in his favour. It was thus prayed that the respondents may be directed to award bonus marks to the petitioner for the work undertaken by him in the respondent department from 01.08.2013 to 28.02.2015 and award marks to him in the questioned selection process.

5. Per contra, learned counsel for the respondents, while inviting the Court's attention to the petitioner's application form, submitted that the petitioner had not even claimed bonus marks on the basis of his alleged experience. Learned counsel further submitted that even if the experience certificate was not issued to

the petitioner, he was still required to disclose the factum of his working and experience under the MMU Scheme in the application form. Learned counsel submitted that in the absence of any disclosure regarding work experience in the application form, the respondents had no occasion to consider the petitioner's experience while considering his candidature for the said post. It was further submitted that the relief with regard to grant of bonus marks cannot be accepted at this stage, particularly when the same was not claimed at the time of submission of the application form.

6. In rebuttal, learned counsel for the petitioner submitted that the application form specifically indicated that bonus marks could be claimed only on the basis of an experience certificate, which was required to be annexed/uploaded with the application form. He submitted that in the absence of the experience certificate being issued by the competent authority, even if he had claimed bonus marks for his work under the MMU Scheme, the same could not have been considered by the respondents. Learned counsel thus prayed that the respondents may be directed to issue the requisite experience certificate to the petitioner and further consider his candidature for the advertised post of Nursing Officer by granting him bonus marks.

7. Heard.

8. The contents of para 8 of the reply filed by the respondents are reproduced below for ready reference:

'That the contents of para no. 8 of the writ petition are denied save and except what is specifically admitted herein. It is submitted that the petitioner has raised a grievance regarding non-issuance of experience certificate for the period from 01.08.2013 to 28.02.2015. In this regard, it is submitted that as per communication No. 935 dated 05.12.2025 issued by the Chief Medical and Health Officer, Sawai Madhopur, it has been informed

that the petitioner is stated to have worked as GNM under the Medical Mobile Unit (MMU) operated through Adarsh Saraswati Mahila Shiksha Evam Gramin Vikas Samiti, Tonk, for the period from 01.08.2013 to 28.02.2015 and also at MMU Bamanwas under NRHM. However, it has also been categorically stated that the relevant records were not readily available earlier on account of issues relating to delayed payment and record maintenance, which resulted in delay in providing documents. It is further submitted that the documents subsequently produced by the Chief Medical and Health Officer include photocopies of salary statements for the period August 2013 to May 2014 and certain payment receipts. Upon perusal of the said documents, it has been observed that the entries relating to the petitioner and another employee, namely Mahesh Kumar Meena, in the salary statements appear inconsistent and are not in the same format as the computer-typed entries of other employees. Further, discrepancies are also noticed in the handwriting and signatures appearing on the payment receipts pertaining to the said period. In view of such inconsistencies and apparent discrepancies in the documents, the authenticity and correctness of the record cannot be accepted at face value and the matter requires proper verification by a competent authority before any reliance can be placed thereon. It is therefore submitted that in absence of clear, consistent and duly verified record, no experience certificate could have been issued to the petitioner for the said period. The respondents have acted strictly in accordance with the available record and applicable procedure.'

9. Having heard learned counsel for the parties and having perused the material available on record, this Court finds that the respondents, in their reply, have admitted that the requisite experience certificate for the period from 01.08.2013 to 28.02.2015 pertaining to the petitioner's work in various government schemes could not be issued for want of requisite records. In other words, the petitioner's work in the respondent department during the period commencing from 01.08.2013 to 28.02.2015 could not be verified due to non-availability of records. The records now available with the respondent department *prima facie* indicate that the petitioner had worked with the respondent department during the aforementioned period.

10. In the opinion of this Court, in the absence of the requisite experience certificate issued by the respondent department, the petitioner could not have claimed bonus marks beyond what he had claimed in the application form, as the application form clearly

mentioned that the claim for bonus marks shall be considered only if the experience certificate is enclosed/uploaded with the application form. In the opinion of this Court, the inability of the petitioner to furnish the requisite experience certificate at the relevant stage cannot be viewed in isolation when the very issuance of such certificate was dependent upon the records of the respondent department, which were themselves not available/traceable/verifiable by the respondent authorities.

11. In view of the aforesaid discussion, the present writ petition is allowed. The respondents are directed to issue the requisite experience certificate in favour of the petitioner for the period from 01.08.2013 to 28.02.2015, after due verification, within a period of 15 days from the date of receipt of a copy of this order. After issuance of the requisite experience certificate, the competent authority of the respondent department shall grant bonus marks to the petitioner for appointment to the post of Nursing Officer pursuant to the advertisement dated 05.05.2023 and, in case the petitioner falls within the merit after award of bonus marks, he shall be offered appointment on the post of Nursing Officer. The entire exercise, as indicated hereinabove, shall be completed by the respondents within a period of 60 days from the date of this order.

(KULDEEP MATHUR),J