

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

S.B. Civil Writ Petition No. 13434/2026

1. Laxman Singh Pooniya S/o Ram Singh Pooniya, Aged About 27 Years, R/o Nehru Nagar, Barmer, District Barmer.
2. Narpat Singh Godara S/o Lumbha Ram Godara, Aged About 31 Years, R/o V/p- Banknadi, Baitu Panji, Teh.- Baitu, Barmer, Rajasthan, Pin Code 344034
3. Premlata D/o Chuna Ram, Aged About 30 Years, R/o Mataji Ki Bhankhari Bhinyad.
4. Sharvan Kumar S/o Lunaram, Aged About 33 Years, R/o V/p Daruda, Barmer.
5. Moti Singh Mahecha S/o Gordhan Singh Mahecha, Aged About 26 Years, R/o V/p Chuli, Teh. Barmer, Barmer.
6. Narsingh Kumar S/o Omprakash, Aged About 25 Years, R/o V/p Goonga, Teh. Shio, Barmer.
7. Manisha Jangid D/o Om Prakash Jangid, Aged About 29 Years, R/o Ray Colony Road, Barmer.
8. Bhawani Shankar Soni S/o Sawai Lal Soni, Aged About 31 Years, R/o V/p- Beriyo Ka Was, Ray Colony, Barmer, Rajasthan, Pin Code 344001.
9. Dedaram S/o Balaram, Aged About 28 Years, R/o V/p- Janiyawas Nand, Teh.-Barmer, Barmer, Rajasthan, Pin Code 344001.
10. Meraj Bano D/o Jan Mohammed, Aged About 25 Years, R/o Juna Keradu Marg, Barmer.
11. Ram Lal S/o Durga Ram, Aged About 34 Years, R/o Siyago Ki Basti, Village Post - Akdara, Dist- Barmer, Rajasthan.
12. Tamanna Choudhary D/o Ugararam, Aged About 28 Years, R/o V/p Darjiyo Ka Bera, Lapundra, Barmer.
13. Durga Ram S/o Rama Ram, Aged About 30 Years, R/o Godaro Ki Dhaniya, Ramdev Ka Mandir, Ramsar.
14. Nayan Joshi S/o Jagdish Kumar Joshi, Aged About 39 Years, S/o , Aged About ... Yrs., R/o Joshiyo Ka Vass, Barmer.
15. Mohit Sharma S/o Harat Kumar Sharma, Aged About 28 Years, R/o V/p Khagal Mohala, Teh. Barmer, Barmer.

16. Ramesh Kumar S/o Bala Ram, Aged About 25 Years, R/o Shiv Nagar, Barmer.
17. Chima Ram S/o Mana Ram, Aged About 34 Years, R/o Swamiyon Ki Beri, Doodhu, Teh. Dhorimana, Barmer, Pin Code 344704.
18. Dala Ram S/o Pura Ram, Aged About 34 Years, R/o V/p Khudala, Teh. Gudamalani, Barmer.
19. Hanuman Ram S/o Durga Ram, Aged About 29 Years, R/o Dhako Ka Tala, Kitnoriya, Dhanau, Barmer, Pin Code 344704.
20. Ashok Kumar S/o Kumbha Ram, Aged About 24 Years, R/o Nimbaniyon Ki Dhani, Madpura Barwala, Baytu, Barmer.
21. Ramu Devi D/o Dhanaram, Aged About 24 Years, R/o Godaro Ki Dhani, Kanod, Barmer.
22. Moti Singh S/o Devidan Singh, Aged About 25 Years, R/o Pushad, Shiv, Barmer.
23. Gosai Ram S/o Chetan Ram, Aged About 23 Years, R/o Redana, Barmer.
24. Surendra S/o Rau Ram, Aged About 24 Years, R/o Balau, Barmer.
25. Shubham Joshi S/o Suresh Kumar Joshi, Aged About 27 Years, R/o V/p Goonga, Teh. Sheo, Barmer, Pin Code 344705.
26. Deepak S/o Pawan Kumar, Aged About 25 Years, R/o Ad-14, Mahaveer Nagar, Barmer.

-----Petitioners

Versus

1. State Of Rajasthan, Through The Principal Secretary, Medical, Health And Family Welfare Services, Government Of Rajasthan, Jaipur.
2. The Principal Secretary, Department Of Finance, Government Of Rajasthan, Jaipur.
3. The Secretary, Medical Education And Vice-President, Rajmes, Jaipur.
4. The Mission Director, Nhm, Department Of Medical, Health And Family Welfare, Health Bhawan, Tilak Marg, Jaipur.
5. The Additional Director (Administration) And Ex-Officio

Joint Secretary, Medical Education (Group-1) Department,
Rajasthan, Jaipur

6. The Director, Rajasthan Medical Education Society (Rajmes), Medical Education Bhawan, Govind Marg, Jaipur.
7. The Commissioner, Rajasthan Medical Education Society (Rajmes), Medical Education Bhawan, Govind Marg, Jaipur.
8. The Deputy Secretary, Medical Education (Gr.1) Department, Govt. Of Rajasthan, Jaipur.
9. The Principal And Controller, Government Medical College And Groups Of Affiliated Hospitals, Barmer.
10. M/s Yes Security And Services, Rajasthan, Jaipur Through Its Proprietor.
11. M/s Prahlad Narayan Contractor, Through Its Proprietor, Registered Address 70, Dev Nagar B, Rampura Road, Sanganer, Jaipur.
12. M/s Lead Guard Services Private Limited, Vaishali Nagar, Jaipur.
13. M/s Nice Security And Services, Jaipur, Through Principal And Controller, Government Medical College And Groups Of Affiliated Hospitals, Barmer.

-----Respondents

For Petitioner(s) : Mr. Bhawani Singh Tanwar, Adv.
For Respondent(s) :

HON'BLE MR. JUSTICE UMA SHANKER VYAS

Judgment / Order

03/07/2026

विद्वान अधिवक्ता याची का निवेदन है कि याचीगण की सेवाएं प्लेसमेंट एजेंसी अयाची संख्या 12 के माध्यम से अयाची संख्या 1 से 9 विभाग को संविदा पर उपलब्ध करवायी गयी थी, संविदा अवधि पूर्ण होने के उपरांत विभाग द्वारा Rajasthan Contractual Hiring to Civil Posts Rules, 2022 के तहत चयनित अभ्यर्थियों को नियुक्ति दी जाकर उनसे कार्य लिया जा रहा है।

विद्वान अधिवक्ता याचीगण की ओर से इस न्यायालय द्वारा इस न्यायालय की समकक्ष पीठ द्वारा S.B. Civil Writ Petition No. 12365/2026 छगनलाल व अन्य बनाम बनाम राजस्थान राज्य व अन्य में पारित आदेश दिनांक 04.06.2026, S.B. Civil Writ Petition No. 12626/2026 मानवेन्द्र सिंह जाट व अन्य बनाम बनाम राजस्थान राज्य व अन्य में पारित आदेश दिनांक 15.06.2026 तथा S.B. Civil Writ Petition No. 13313/2026 ओंकार राम व अन्य बनाम बनाम राजस्थान राज्य व अन्य में पारित आदेश दिनांक 25.06.2026 की प्रतियां प्रस्तुत कर तथा उन पर आधारित होते हुए निवेदन किया कि संविदाकर्मियों को अन्य संविदाकर्मियों के माध्यम से रिप्लेस नहीं किया जा सकता। याचीगण को अयाची विभाग की सेवा में पुनः लिये जाने आदि के संबंध में अनुतोष चाहा गया है।

माननीय सर्वोच्च न्यायालय की न्यायिक दृष्टांत (2018) 17 SCC 641, K.K. Suresh & Anr. V/s. Food Corporation of India & Ors. के मामले में यह व्यवस्था प्रतिपादित की गई है कि जहां याची की सेवाएं संबंधित प्लेसमेंट एजेंसी के माध्यम से विभाग को उपलब्ध करवाई गई है तो ऐसी स्थिति में याची व विभाग के बीच क्रमशः कर्मचारी अथवा नियोक्ता के संबंध स्थापित नहीं होते हैं और ऐसी स्थिति में याची संबंधित विभाग में निरंतर रूप से सेवाएं दिये जाने के संबंध में कोई आदेश प्राप्त करने का अधिकारी नहीं है, उपरोक्त निर्णय का पैरा संख्या 07 सुसंगत है जो निम्नानुसार है:—

"7. In the first place, the appellants failed to adduce any evidence to prove existence of any relationship between them and the FCI; Second, when the documents on record showed that the appellants were appointed by the FCI Head Load Workers Co-Operative Society but not by the FCI then obviously the remedy of the appellants, if at all, in relation to their any service dispute was against the said Society being their employer but not against the FCI; Third, the FCI was able to prove with the aid of evidence that the appellants were in the employment of the said Society whereas the appellants were not able to prove with the aid of any documents that they were appointed

by the FCI and how and on what basis they claimed to be in the employment of the FCI except to make an averment in the writ petitions in that behalf. It was, in our opinion, not sufficient to grant any relief to the appellants."

उपरोक्त विवेचन एवं प्रकरण के समस्त तथ्यों एवं परिस्थितियों को ध्यान में रखते हुए याचीगण इस न्यायालय से कोई अनुतोष प्राप्त करने के अधिकारी नहीं है, अतः यह याचिका खारिज की जाती है। स्थगन आवेदन भी इसी अनुसार खारिज किया जाता है।

(UMA SHANKER VYAS),J

21-Murari Lal Sharma/-