

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

S.B. Civil Writ Petition No. 14198/2025

Naresh Kumar S/o Shri Oba Ram, Aged About 31 Years, Resident
of 487 Meghwal Vas, Uthman, Sirohi, Rajasthan - 307043.

----Petitioner

Versus

1. State of Rajasthan, through the Secretary, Department of Medical & Health Science (Group-II), Government of Rajasthan, Jaipur.
2. The Director (Non-Gazetted), Medical Health & Family Welfare, Rajasthan, Jaipur.
3. The Director, State Institute of Health & Family Welfare (SIHFW), Department of Health, Jaipur.
4. Joint Director, Medical & Health Services, Zone Jodhpur, Jodhpur Rajasthan.
5. Chief Medical & Health Officer, Sirohi.

----Respondents

For Petitioner(s)	:	Mr. Rajat Arora with Mr. Lucky Rajpurohit.
For Respondent(s)	:	Mr. Mukesh Dave, AGC with Mr. Tanuj Jain & Mr. Vivek Sharma.

HON'BLE DR. JUSTICE NUPUR BHATI
Order

28/08/2025

1. By way of instant writ petition, the petitioner has invoked writ jurisdiction of this Court under Article 226 of the Constitution of India seeking following relief(s):

"i. That the impugned action/reasons on the part of respondents, whereby, the respondent authorities have arbitrarily deprived the benefit of complete 30 bonus marks to the petitioner, be quashed & set aside while holding it to be arbitrary and the petitioner may further kindly be declared entitled for 30 bonus marks in accordance with the experience certificate dated 26.05.2023 & 28.05.2023 (Annexure-8).

ii. Consequently, the respondent authorities be also directed to consider the candidature of the petitioner in

Schedule Caste (NTSP) category and thereby grant selection and appointment on the post of Nursing Officer in accordance with his merit pursuant to Advertisement dated 05.05.2023 (Annex.-7).

iii. The arbitrary action on the part of the Respondents State, which undermines the entire experience of the petitioner, may also kindly be declared arbitrary and unreasonable having no purpose sought to be achieved and the same may also kindly be quashed and set aside.

iv. That the Hon'ble Court may be pleased to impose substantial cost on the respondents in the facts and circumstance of the case.

V. Any other appropriate relief which this Hon'ble High Court deems just and proper in the facts and circumstances of the case may kindly be passed in favor of the petitioner."

2. Learned counsel for the petitioner submits that the petitioner applied for the post of Nursing Officer pursuant to an advertisement dated 05.05.2023 (Annex.7), which included a condition for granting bonus marks based on experience gained in posts of a similar nature. The counsel contends that the petitioner was unjustly denied the benefit of these bonus marks on the ground that, while discharging his duties as a Nursing Officer on contractual basis, he was not registered with the Rajasthan Nursing Council (RNC). Consequently, the petitioner's candidature was rejected vide order dated 24.07.2025 (Annex.20).

3. Learned counsel for the petitioner further submits that the issue raised in the present writ petition has been conclusively addressed by a Coordinate Bench of this Court in **Krishna Satokiya v. State of Rajasthan & Ors. (S.B. Civil Writ Petition No. 7349/2025)** vide order dated 17.04.2025 (Annex.19). In that case, the writ petition was allowed, and the respondents were directed to award bonus marks in accordance with the applicable circular. The relevant portion of the order is reproduced below for reference:

“11. In view of the same, the non grant of bonus marks to the petitioner on count of her she not being registered with RPC before her contractual engagement, is bad and deserves interference by this Court.

12. It is not disputed that the petitioner had an experience of more than two years as a contractual employee during the Covid period and even further. In the specific opinion of this Court, the petitioner was definitely entitled to the bonus marks in terms of Order/Circular dated 25.04.2023, she having the requisite experience.

13. The writ petition is hence allowed with a direction to the respondent-authorities to award bonus marks to the petitioner in terms of the applicable Circular, as per her period of experience. If the petitioner finds place in merit after the grant of the said bonus marks, she be afforded appointment on the post of ‘Pharmacist’. Appropriate orders be passed within a period of four weeks of the receipt of the present order.

14. Stay petition and pending applications, if any, stand disposed of.”

4. Learned counsel for the respondent-State is not in a position to refute the fact that the issue in the present writ petition is identical to that in ***Krishna Satokiya (supra)*** and the fact that the petitioner was denied bonus marks on the same ground i.e. the lack of registration with the Rajasthan Nursing Council during the period of contractual engagement.

5. Learned counsel for the respondent-State is also not in position to refute the fact that the advertisement dated 05.05.2023 (Annex.7) does not stipulate that contractual employees must have been registered with the Rajasthan Nursing Council prior to their engagement to be eligible for bonus marks. Furthermore, learned counsel for the respondent – State concedes that the Order/Circular dated 25.04.2023 (Annex.6) and its guidelines do not mandate that a contractual employee serving as a Nursing Officer must have been registered with the Rajasthan

Nursing Council prior to their contractual engagement to qualify for bonus marks.

6. In view of the submissions made by the learned counsel for both parties and considering the precedent set in ***Krishna Satokiya (supra)***, this Court finds that the controversy in the present writ petition is identical to the one previously adjudicated. The denial of bonus marks to the petitioner on the ground of non-registration with the Rajasthan Nursing Council during his contractual engagement is unsustainable. Accordingly, the writ petition is allowed in the same terms as judgment in ***Krishna Satokiya (supra)***.

7. The respondents are directed to award bonus marks to the petitioner in accordance with the applicable circular, based on his period of experience as a contractual Nursing Officer. If the petitioner secures a place in the merit list upon the grant of bonus marks, he shall be appointed to the post of Nursing Officer, if posts are lying vacant. The respondents are further directed to complete the necessary exercise and pass appropriate orders within four weeks from the date of receipt of a certified copy of this order.

8. All pending applications, including stay petition, if any, stand disposed of.

(DR. NUPUR BHATI),J