

RAJASTHAN HIGH COURT

सत्यमेव जयते

HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR

S.B. Civil Writ Petition No. 17323/2024
CNR: RJHC010804622024 | URN: CW / 33607U / 2024

Sunita Parasariya D/o Shri Mohan Ram, Aged About 29 Years,
Resident Of Village Barani Khurd, Tehsil Bhopalgarh District
Jodhpur.

-----Petitioner

Versus

1. The State Of Rajasthan, Through Secretary, Department Of Medical And Health, Government Of Rajasthan, Secretariat, Rajasthan, Jaipur.
2. Director, Medical, Health And Family Welfare Services, Rajasthan, Jaipur.
3. Director, State Health And Family Welfare Institution, Rajasthan, Jaipur.
4. Addl. Director (Admn.), Medical And Health Services, Rajasthan, Jaipur.

-----Respondents

For Petitioner(s)	:	Mr. Yashpal Khileree.
For Respondent(s)	:	Mr. Tanuj Jain, for Mr. Mukesh Dave.

HON'BLE DR. JUSTICE NUPUR BHATI

Order

28/07/2026

1. The present writ petition has been filed challenging the cancellation of the selection of the petitioner based on the ground of her disability assessed less than 40%. The case of the petitioner is that the petitioner belongs to the OBC category and is suffering from a benchmark disability, and he has also claimed reservation in the benchmark disability category. In pursuance of the advertisement dated 19.05.2023, the petitioner underwent the

selection process and was finally selected. Before appointment/posting orders were given, various selected candidates were subjected to re-medical examination to verify the authenticity of the disability certificate produced by the candidate. On re-examination by the Medical Board constituted by the Appointing Authority, the petitioner was found to be suffering from disability less than 40%. The advertisement requires that a person with disability of 40% or more than 40% is eligible under the reservation of disability category. Since the petitioner was alleged to have disability in one lower limb less than 40%, the candidature of the petitioner was cancelled as an ineligible candidate. Challenging the same, the present writ petition has been filed.

During the pendency of the writ petition, this Court granted an interim stay directing not to fill up the vacancy in the category of disability and further directed the petitioner to undergo an independent medical examination before the Medical Board constituted by Govt. MDM Hospital, Jodhpur. In pursuance of the directions issued by this Court, the Medical Board constituted by MDM Hospital examined the petitioner and found that the petitioner was suffering from disability of 40.6% in the left lower limb. The report received by this Court shows that the petitioner does not have any disability in the right lower limb; the only disability the petitioner is having more than 40% is in the left lower limb. This report prima facie suggests that the re-examination done by the Medical Board constituted by the Appointing Authority was incorrect. The authenticity of the disability certificate submitted by the petitioner is found to be in compliance with the criteria of the advertisement as well as the

eligibility to claim reservation under the disability category. Therefore, the impugned action is liable to be quashed and set aside in the light of the fresh medical report submitted to this Court by the independent Medical Board.

In the result, the present writ petition is allowed and the impugned action of the respondents qua the petitioner is quashed and set aside. The respondents are directed to issue the appointment order/posting order to the petitioner to the post for which the petitioner was selected, and she shall also be given other service benefits except financial benefits, on par with the other persons appointed in pursuance of the same selection process.

The said exercise shall be done within a period of one month from the date of receipt of this order.

(DR.NUPUR BHATI),J