

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 19586/2024

Meena Suthar D/o Shri Moti Lal Suthar W/o Shri Nirmal Kumar Suthar,
Aged About 29 Years, Resident Of 6 Sutharo Ka Mohalla, Dhanna Ji Ki
Bagichi, Post Karjali, Bhopal Sagar, District Chittorgarh-312205 (Raj.)

----Petitioner

Versus

1. State Of Rajasthan, Through The Principal Secretary, Medical And Health Department, Government Secretariat, Jaipur.
2. The Director, Medical And Health Services, Swasthya Bhawan, Tilak Marg, C-Scheme, Jaipur
3. State Institute Of Health And Family Welfare, Through Its Director, Jhalana Doongri, Jaipur
4. Jaya Devi D/o Shri Ram Chandra, (Application Id. No137288) Through The Director, State Institute Of Health And Family Welfare, Jhalana Doongri, Jaipur

----Respondents

Connected With

S.B. Civil Writ Petition No. 19580/2024

Ramesh Gehlot Son Of Shri Ann Raj, Aged About 30 Years, Resident
Of Bus Stand Vasa, Tehsil Pindwara, District Sirohi (Raj.)

----Petitioner

Versus

1. State Of Rajasthan, Through Its Joint Secretary Administration, Department Of Medical And Health And Family Welfare Department, Secretariat, Jaipur (Raj.)
2. Director, State Health And Family Welfare Institution, Jhalana, Institutional Area, Jaipur (Raj.)
3. Additional Director, Non Gazzeted, Medical And Health Department, Swasthya Bhawan, Tilak Marg, Jaipur (Raj.)

----Respondents

S.B. Civil Writ Petition No. 51/2025

Akshay Kumar Sharma S/o Shri Murlidhar Sharma, Aged About 24
Years, R/o Village Katarwada, Tehsil Baswa, Dausa, Rajasthan.

----Petitioner

Versus

1. The State Of Rajasthan, Through Principal Secretary, Medical And Health Department, Government Secretariat, Jaipur.
2. The Director, State Institute Of Health And Family Welfare, Jhlanadoongi Colony, Ghat Ki Guni, Jaipur, Rajasthan.
3. The Additional Director (Administration), Medical And Health Services Rajasthan Swasthya Bhawan, Tilak Marg, C-Scheme, Jaipur, Rajasthan.

----Respondents

S.B. Civil Writ Petition No. 55/2025

Rahul Yadav S/o Abhay Singh Yadav, Aged About 33 Years, Resident
Of Sakatpura, Village Bawa, Tehsil Mundawar, District Alwar, Raj.



301706

-----Petitioner

Versus

1. The State Of Rajasthan, Through Its Principal Secretary, Department Of Medical Health And Family Welfare, Government Of Rajasthan, Secretariat, Jaipur (Raj.)
2. The Director, State Institute Of Medical Health And Family Welfare, Jaipur (Raj.)
3. The Joint Secretary, Medical And Health Department (Group-3), Jaipur (Raj.)

-----Respondents

S.B. Civil Writ Petition No. 141/2025

Sarjeet Singh Yadav S/o Yad Ram Yadav, Aged About 46 Years,
Resident Of Khedki, Behror, Raj. 301701

-----Petitioner

Versus

1. The State Of Rajasthan, Through Its Principal Secretary, Department Of Medical Health And Family Welfare, Government Of Rajasthan, Secretariat, Jaipur (Raj.)
2. The Director, State Institute Of Medical Health And Family Welfare, Jaipur. (Raj.)
3. The Joint Secretary, Medical And Health Department, (Group-3), Jaipur, (Raj.)

-----Respondents

S.B. Civil Writ Petition No. 146/2025

Said Ahmed S/o Mohd Shareef, Aged About 39 Years, R/o Rajeev
Colony, Near Dada Badi, Toda Road, Malpura, District Tonk, Rajasthan.

-----Petitioner

Versus

1. State Of Rajasthan, Through Principal Secretary, Department Of Medical Health Services, Government Of Rajasthan, Government Secretariat, Jaipur, Rajasthan.
2. Director, Medical And Health Services, Rajasthan, Jaipur.
3. State Institute Of Health And Family Welfare (Sihfw), Jhalana Institutional Area, Jaipur Through Its Director.

-----Respondents

S.B. Civil Writ Petition No. 152/2025

Abdul Rub S/o Abdul Rauf, Aged About 28 Years, R/o Abdullah Bhai Ki
Chkki, Mohalla Sadat, Malpura, District Tonk.

-----Petitioner

Versus

1. State Of Rajasthan, Through Principal Secretary, Department Of Medical Health Services, Government Of Rajasthan, Government Secretariat, Jaipur, Rajasthan.
2. Director, Medical And Health Services, Rajasthan, Jaipur.
3. State Institute Of Health And Family Welfare (Sihfw), Jhalana Institutional Area, Jaipur Through Its Director.



-----Respondents

S.B. Civil Writ Petition No. 165/2025

Pradeep Kumar Sharma S/o Shri Shivlal Sharma, Aged About 37 Years, Resident Of Debri Khera, Post Rajgarh, Tehsil Begun, District Chittorgarh (Raj.)

-----Petitioner

Versus

1. State Of Rajasthan, Through The Principal Secretary, Medical And Health Department, Government Secretariat, Jaipur.
2. The Director, Medical And Health Services, Swasthya Bhawan, Tilak Marg, C-Scheme, Jaipur.
3. State Institute Of Health And Family Welfare, Through Its Director, Jhalana Doongri, Jaipur.
4. Pradeep Kumar Singhal S/o Shri Kailash Chand, Through The Director, State Institute Of Health And Family Welfare, Jhalana Doongri, Jaipur.

-----Respondents

S.B. Civil Writ Petition No. 257/2025

Vishvendra Singh Tanwar S/o Shri Suresh, Aged About 31 Years, Resident Of Village Milkipur, Tehsil Hindaun City, District Karauli

-----Petitioner

Versus

1. State Of Rajasthan, Through The Principal Secretary, Medical And Health Department, Government Secretariat, Jaipur.
2. The Director, Medical And Health Services, Swasthya Bhawan, Tilak Marg, C-Scheme, Jaipur.
3. State Institute Of Health And Family Welfare, Through Its Director, Jhalana Doongri, Jaipur.
4. Kailash Ram S/o Shri Hukama Ram, Through The Director, State Institute Of Health And Family Welfare, Jhalana Doongri, Jaipur.

-----Respondents

S.B. Civil Writ Petition No. 639/2025

Abhayram Gurjar S/o Man Singh Gurjar, Aged About 29 Years, R/o Village Shyosinghpura, Tehsil Bamanwas, District Gangapurcity, Rajasthan.

-----Petitioner

Versus

1. State Of Rajasthan, Through The Principal Secretary Medical And Health Department, Secretariat, Jaipur.
2. The Director, State Health And Family Welfare Institution, Jaipur.
3. The Director (Non-Gazette), Medical And Health Services, Rajasthan, Jaipur.

-----Respondents

S.B. Civil Writ Petition No. 741/2025

Anjana Kumari Dhakar D/o Nandram Dhakar, Aged About 26 Years, R/o Dhakar Mohalla, Dhanwara Tehsil Kotri, District Bhilwara,



Rajasthan.

-----Petitioner

Versus

1. The State Of Rajasthan, Through Its Secretary, Medical, Health And Family Welfare Department, Rajasthan, Jaipur.
2. The Director, State Health And Family Welfare Institution, Jaipur.
3. The Director (Non-Gazette), Medical And Health Services, Rajasthan, Jaipur.

-----Respondents

S.B. Civil Writ Petition No. 742/2025

Rishiraj S/o Hansraj, Aged About 27 Years, R/o Nagla Gyani, Madanpura, Bharatpur, Rajasthan.

-----Petitioner

Versus

1. State Of Rajasthan, Through The Principal Secretary, Medical And Health Department, Secretariat, Jaipur.
2. The Director, State Health And Family Welfare Institution Jaipur.
3. The Director (Non-Gazette), Medical And Health Services, Rajasthan, Jaipur.

-----Respondents

S.B. Civil Writ Petition No. 833/2025

Ravindera Kumar S/o Bharm Prakash, Aged About 34 Years, R/o Vpo Gadoj, Behror, Alwar, Rajasthan.

-----Petitioner

Versus

1. State Of Rajasthan, Through The Principal Secretary Medical And Health Department, Secretariat, Jaipur.
2. The Director, State Health And Family Welfare Institution, Jaipur.
3. The Director (Non-Gazette), Medical And Health Services, Rajasthan, Jaipur.

-----Respondents

S.B. Civil Writ Petition No. 948/2025

Ahtram Ali S/o Ahsan Ali, Aged About 44 Years, R/o New Sadat Colony, Mohalla Sadat Malpura, District Tonk Rajasthan

-----Petitioner

Versus

1. State Of Rajasthan, Through Principal Secretary, Department Of Medical Health Services, Government Of Rajasthan, Government Secretariat, Jaipur, Rajasthan.
2. Director, Medical And Health Services, Rajasthan, Jaipur.
3. State Institute Of Health And Family Welfare (Sihfw), Jhalana Institutional Area, Jaipur Through Its Director.

-----Respondents

S.B. Civil Writ Petition No. 1232/2025

Mukesh Saran S/o Shri Hanuman Saran, Aged About 34 Years,
Resident Of Village Sitarampura @ Lakhelai, Tehsil Madhorajpura,
District Jaipur Rural, Jaipur (Raj.)

----Petitioner

Versus

1. State Of Rajasthan, Through The Principal Secretary, Medical And Health Department, Government Secretariat, Jaipur.
2. The Director, Medical And Health Services, Swasthya Bhawan, Tilak Marg, C-Scheme, Jaipur.
3. State Institute Of Health And Family Welfare, Through Its Director, Jhalana Doongri, Jaipur.

----Respondents

S.B. Civil Writ Petition No. 1510/2025

Yasmeen Ali D/o Abdul Hameed, Aged About 34 Years, R/o Upkar
Bhawan Lanka Gate, Bundi, Raj. 323001.

----Petitioner

Versus

1. The State Of Rajasthan, Through Principal Secretary, Medical And Health Department, Govt. Of Rajasthan, Secretariat, Jaipur (Raj) 302005
2. Director Medical And Health, Swasthya Bhawan, Tilak Marg, C-Scheme, Jaipur (Raj). 302005
3. State Institute Of Health And Family Welfare, Through Secretary Jhalana Institutional Area, Near Doordarshan, Kendara, Jhalana Doongri, Jaipur (Raj). 302004

----Respondents

S.B. Civil Writ Petition No. 1723/2025

Pawan Sinwar S/o Shri Chhagana Ram, Aged About 30 Years, Resident
Of Village And Post Kiroda, Gunsali, Via. Badi Khatu, Tehsil Degana,
District Nagaur-- 341301 (Raj.)

----Petitioner

Versus

1. State Of Rajasthan, Through The Principal Secretary, Medical And Health Department, Government Secretariat, Jaipur.
2. The Director, Medical And Health Services, Swasthya Bhawan, Tilak Marg, C-Scheme, Jaipur.
3. State Institute Of Health And Family Welfare, Through Its Director, Jhalana Doongri, Jaipur.

----Respondents

S.B. Civil Writ Petition No. 2382/2025

Rupesh Kumar S/o Shri Sukh Dev Prasad, Aged About 35 Years, R/o
Village Dadar Heda, Post Noor Nagar, District Khairthal- Tijara,
Rajasthan

----Petitioner

Versus

1. State Of Rajasthan, Through Its Joint Secretary Administration, Department Of Health And Family Welfare, Secretariat, Jaipur (Raj.)



2. Director, State Health And Family Welfare Institution, Jhalana, Institutional Area, Jaipur (Raj.)
3. Nemi Chand, Application Id No. No128511, S/o Shri Pratap Ram, Aged About 33 Years, Through Director, State Health And Family Welfare Institution, Jhalana, Institutional Area, Jaipur (Raj.)

-----Respondents

S.B. Civil Writ Petition No. 4522/2025

Smt. Meera D/o Shri Mohar Singh, W/o Dheer Singh, Aged About 34 Years, R/o V And P Kasimpura, Tehsil And District Jhunjhunu, Rajasthan.

-----Petitioner

Versus

1. The State Of Rajasthan, Through The Secretary, Medical, Health And Family Welfare Department, Government Secretariat, Jaipur, Rajasthan.
2. Director, State Health And Family Welfare Sansthan, Jhalana Doongri, Jaipur.
3. Additional Director (Adm.) State Health And Family Welfare Sansthan, Swasthya Bhawan, Tilak Marg, C-Scheme, Jaipur.

-----Respondents

For Petitioner(s)	:	Mr. Ram Pratap Saini Mr. Pritvi Pal for Mr. Tanveer Ahamad Mr. Bajrang Sepat Mr. Pawan Sharma for Mr. Ashok Bansal Mr. Sukhdev Singh Solanki Mr. Laxmi Kant Malpura Mr. Anand Sharma Mr. Raghunandan Sharma Ms. Priyansha Gupta
For Respondent(s)	:	Mr. Archit Bohra, AGC with Ms. Anjali Sharma Mr. Rahul Verma Mr. Prakhar Jain

HON'BLE MR. JUSTICE SAMEER JAIN

Judgment

07/04/2025

1. In bunch of the matters, learned counsel for the petitioners while placing reliance upon the order dated 27.02.2025 passed in **Radha vs. State of Rajasthan and Ors.**, registered as **S.B. Civil Writ Petition**

No.8922/2024, wherein, categorical directions were given to the Principal, SMS Hospital, Jaipur to consider the case of the petitioners therein and constitute a Medical Board, have submitted that the representations filed by the petitioners stating their disability/benchmark disability, is ought to be considered by the freshly constituted Medical Board at SMS Hospital, Jaipur.

2. Learned counsel for the respondents has assured that Medical Board will consider the representations of the petitioner-candidates qua the aspect of suitability and eligibility, strictly in accordance with law.

3. Heard and considered.

4. Considering the submissions made by the learned counsel for the parties, this Court deems it apposite to pass the following directions:-

4.1 That Principal, SMS Hospital, Jaipur shall consider the case of the petitioners and constitute a fresh Medical Board to carry out the physical/medical test of the petitioners.

4.2 That the said Medical Board be constituted within a period of 10 days from the date of receipt of this order.

4.3 That after appropriate analysis a report shall be furnished by the Board, in a fair, transparent and speaking manner, strictly in accordance with law.

4.4 That re-examination result/report shall be final and binding upon the respective sides.

4.5 The Medical Board constituted shall carry out the physical test/analysis on 28th, 29th and 30th of April, 2025 at 11.00 AM at SMS Hospital, Jaipur qua which appropriate communication/intimation be sent to the petitioners along with the copy of this order.

4.6 That the petitioners are directed to report on the specified date(s), time or allotted slot at SMS Hospital, Jaipur.

5. Respective sides are directed to comply with the above stated directions, pronto.

6. Relying upon **Radha (supra)**, this Court deems it apposite to dispose of the present petitions. Relevant portion of the same is reiterated as below:-

- "1. A bunch of matters is listed for hearing today.
2. Learned counsel for the petitioners while placing reliance upon the order passed by Co-ordinate Bench of this Court in **S.B. Civil Writ Petition No.1760/2020** titled as **Sunita Kumari Vs. The State of Rajasthan & Anr**, qua which an appeal was also preferred before the Division Bench at Principal seat, Jodhpur in **D.B. Special Appeal Writ No.572/2023**, has submitted that the instant matter is squarely covered by the dictum encapsulated in **Sunita Kumari (supra)**, therefore, instant matter can be decided in light of the same.
3. Learned Advocate General has drawn attention of this Court on 'para 19' of the **D.B. Special Appeal Writ No.572/2023(supra)** and has submitted that as per the Rule 13 of the Rules of 1965 (hereinafter 'referred as Rules of 1965'), the employer has a right to adjudge suitability of a candidate for appointment to the posts, in conformity with the rules governing the service conditions.
4. Furthermore, it is submitted that the second issue pertains to the issuance of Physical Handicapped Certificate with respect to the test conducted by the Medical Board, however, same is sub-judice for adjudication before the Hon'ble Supreme Court (**SLPNo.2816/2025**).
5. Further, it is apprised to this Court that **D.B. Special Appeal Writ No.282/2021** titled as **Smt. Prem Kumari vs. State of Rajasthan and Ors.**, is also subjudice before the Division Bench of this Court.
6. Therefore, prayer is made for an adjournment by the learned Advocate General.
7. Heard and considered.
8. Considering the arguments advanced by the learned counsel for the parties, taking note of the proposal made by the respective sides for constituting a fresh Medical Board at SMS Hospital and formation of committee in this regard by Principal, SMS Hospital, for carrying out the physical test by a competent authority (any person as State deems competent), to ensure certainty and time bound adjudication of the matter, this Court directs that Principal, SMS Hospital, Jaipur to consider the case of petitioners and constitute a Medical Board within a period of 10 days from the date of passing of this order, and the said Board after appropriate analysis shall furnish result in a fair and transparent manner,

strictly in accordance with law. It is made clear that the re-examination result/report shall be final and binding upon the respective sides.

9. *The petitioners are directed to report on 19.03.2025 at appropriate time as specified by the Principal, SMS Medical Hospital or the competent authority, at SMS Hospital, Jaipur.*

10. *Respective sides to carry out appropriate actions upon the medical report.*

11. *Accordingly, the instant petitions are disposed of. Pending applications, if any, shall stand disposed of."*

7. Accordingly, the present petitions are disposed of with the aforementioned directions. Rights of the petitioners qua selection process/appointment shall remain secured, till the petitioners appear before the Medical Board. It is made clear, that the said interim protection shall not create any vested right qua the petitioners and final selection of the petitioners shall remain subject to outcome of the present petitions. Pending applications, if any, shall stand disposed of.

8. A copy of this order be placed in connected petitions.

(SAMEER JAIN),J