

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 4425/2026
URN: CW / 9850U / 2026

Smt. Prita W/o Shri Rajendra Bhaskar, Aged About 36 Years, R/o
Dheendhwa Athoona, District Jhunjhunu (Rajasthan).

-----Petitioner

Versus

1. The State Of Rajasthan, Through The Principal Secretary
To The Government, Medical And Health Department,
Secretariat, Jaipur (Rajasthan).
2. The Director, State Institute Of Health And Family
Welfare, Jaipur (Rajasthan).
3. The Additional Director, Non-Gazette, Medical And Health
Services, Directorate, Swasthya Bhavan, Tilak Marg,
Jaipur (Rajasthan).

-----Respondents

For Petitioner(s)	:	Mr. Sunil Kumar Singodiya
For Respondent(s)	:	Mr. Archit Bohra, AGC

HON'BLE MR. JUSTICE GANESH RAM MEENA

Order

10/07/2026

1. This writ petition has been filed by the petitioner seeking benefit under the EWS (Female) category for recruitment to the post of Nursing Officer in pursuance to advertisement dated 05.05.2023.
2. Learned counsel for the petitioner submits that the petitioner is a migrated candidate from the State of Haryana and she is not being given the benefits under the EWS category for the recruitment to the post of Nursing Officer. He further submits that the issue raised in the present writ petition is squarely covered by

the judgment dated 11.02.2026 passed by the Hon'ble Division Bench at Principal Seat, Jodhpur in the case of **State of Rajasthan & Ors. Vs. Uganta Kanwar; D.B. Spl. Appl. Writ No. 365/2025** alongwith other cases.

3. Learned counsel appearing for the respondents fairly admits that the issue agitated in the present writ petition has been put to rest by the judgment passed in the case of **Uganta Kanwar (surpa)**.

4. In the case of **Uganta Kanwar (surpa)**, the Hon'ble Division Bench, vide para 23 and 24 has observed as under:-

*"23. This Court finds that the judgment passed in the case of **Smt. Twarit Gehlot** (supra) is applicable to the present case also as the reservation for Economic Weaker Sections cannot be denied to a person simply on the ground of migration from one State to another, more particularly when while calculating the total income of the family for the purpose of determining the status of Economic Weaker Sections i.e. the maximum total income of rupees eight lakhs, the income of the parents and the spouse as well as children and the siblings is to be considered.*

24. Accordingly, the appeals do not call for interference and are hereby dismissed. The issue of migration as well as participation in pursuant to the advertisement and post that laying a challenge to the condition of the advertisement has rightly been dealt with by the Hon'ble Single Judge in case of Aman Kumari's (supra). The judgment passed by the Hon'ble Single Judge in the case of Aman Kumari's (supra) is held to be correct and upheld."

5. In view of the observations of the Hon'ble Division Bench in the case of **Uganta Kanwar (surpa)**, the present writ petition is allowed.

6. The respondents are directed to allow the petitioner's candidature for recruitment to the post of Nursing Officer in

pursuance to advertisement dated 05.05.2023 under the category of EWS (Female).

7. In case the petitioner finds place in the merit list of the EWS (Female) category, she may be allowed appointment from the date the person lower in merit in the said category has been given appointment with the notional benefits.

8. Stay application as well as pending application/s, if any, also stand/s disposed.

(GANESH RAM MEENA),J