

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 4374/2026

1. Dr. Vartika Choudhary D/o Mahesh Kumar, Aged About 34 Years, R/o Ward No.6 Near Bhikaji School, Kisaan Colony, District Jhunjhunu, Rajasthan
2. Dr. Surendra Choudhary S/o Prabhati Lal Choudhary, Aged About 30 Years, R/o Dhani Bhawariya Ki Bhudoli Raod, Tehsil Neem Ka Thana, District Sikar, Rajasthan.

-----Petitioners

Versus

1. The State Of Rajasthan, Through Principal Secretary Medical And Health Department, Government Of Rajasthan, Jaipur.
2. The Director (Public Health), Medical And Health Services, Rajasthan, Jaipur.
3. The Chief Medical And Health Officer, District Pratapgarh, Rajasthan.

-----Respondents

And

S.B. Civil Writ Petition No. 4393/2026

1. Dr. Mehfooz Aalam S/o Makbool Aalam, Aged About 27 Years, R/o Nasim Kirana Store, Dahi Khera, Jhalawar, Rajasthan.
2. Dr. Hariom Meena S/o Bhanwarlal Meena, Aged About 36 Years, R/o Dagariya, Kota, Rajasthan.

-----Petitioners

Versus

1. The State Of Rajasthan, Through Principal Secretary Medical And Health Department, Government Of Rajasthan, Jaipur.
2. The Director (Public Health), Medical And Health Services, Rajasthan, Jaipur.
3. The Chief Medical And Health Officer, District Jhalawar, Rajasthan.

-----Respondents

For Petitioner(s) : Mr. Ram Pratap Saini with
Mr. Aamir Khan
For Respondent(s) : Ms. Sweekriti Sharma for
Mr. Archit Bohra, AGC

HON'BLE MR. JUSTICE ASHOK KUMAR JAIN

Order

10/03/2026

1. Both the matters were filed by raising a common question, therefore, they are being tagged together.

2. S.B. Civil Writ Petition No. 4374/2026 is filed with following prayer:-

"1. Issue an appropriate writ order or direction in the nature thereof, the respondents may kindly be directed to reinstate the services of the petitioners and they be permitted to continue their services on the post of Medical Officer at their place of posting and further not to replace the petitioners by another set up of contractual employees.

2. Any other appropriate writ, order or direction which this Hon'ble Court deems just and proper on the facts and in the circumstances of the case may also be passed in favour of the Petitioners with cost of the petition."

3. S.B. Civil Writ Petition No. 4393/2026 is filed with following prayer:-

"1. Issue an appropriate writ order or direction in the nature thereof, the respondents may kindly be directed to reinstate the services of the petitioners and they be permitted to continue their services on the post of Medical Officer at their place of posting and further not to replace the petitioners by another set up of contractual employees.

2. Any other appropriate writ, order or direction which this Hon'ble Court deems just and proper on the facts and in the circumstances of the case may also be passed in favour of the Petitioners with cost of the petition."

4. Learned counsel for the petitioners while placing reliance upon order dated 03.12.2025 in case of **Dr. Aman Kumar Vs. The State of Rajasthan and Ors. : S.B. Civil Writ Petition No.18353/2025** submits that the issue raised herein has already been considered by a Co-ordinate Bench of this Court in case of **Neha Vs. The State of Rajasthan and Ors. : S.B. Civil Writ Petition No.14528/2025** and also in case of **Dr. Amit Sharma and Ors. Vs. State of Rajasthan and Ors. : S.B. Civil Writ Petition No.4231/2025**. He further submits that on basis of ratio, this Court has decided the writ petition in case of **Dr. Aman Kumar Vs. The State of Rajasthan and Ors.** (supra). Thus, both the writ petitions may be decided accordingly.

5. Learned counsel appearing on behalf of the respondents in both the matters submits that the services of the petitioners were not terminated but the respondents are in process of appointing or posting regularly selected candidates and in case the regularly selected candidates are available and they are posted then the services of the petitioners will be discontinued.

6. Considered submissions of learned counsel for the parties and perused the material placed on record.

7. The submission of learned counsel indicate that the petitioners are in service and their services have not been terminated though on basis of statement learned counsel for the respondents submitted that the petitioners are not in employment. In order to balance equity, these writ petitions can be disposed following the ratio as mentioned hereinabove.

8. In view of discussions, the writ petitions are disposed with directions to the respondents to consider the case of the

petitioners on vacant posts after accommodating regularly selected candidates. If any of the post is available after appointment/posting of regularly selected candidate then the petitioners shall be considered for appointment or continuing on same post in contractual capacity. The respondents are also under an obligation to ensure that a set of contractual employees shall not be replaced with another set of contractual employees, directly or indirectly, in any manner.

9. With the aforesaid, the writ petitions stand disposed with pending application, if any.

(ASHOK KUMAR JAIN),J