

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 166/2025

Kalpesh Kumar Patel S/o Shri Valchandra Patel
-----Petitioner
Versus
State Of Rajasthan
-----Respondent

Connected With

S.B. Civil Writ Petition No. 9076/2023

Saurabh Paliwal Son Of Shri Lalitesh Paliwal
-----Petitioner
Versus
State Of Rajasthan
-----Respondent

S.B. Civil Writ Petition No. 9079/2023

Nisha Sharma Daughter Of Shri Nemi Chand Sharma
-----Petitioner
Versus
State Of Rajasthan
-----Respondent

S.B. Civil Writ Petition No. 9336/2023

Kuldeep Bohra S/o Kailash Bohra
-----Petitioner
Versus
State Of Rajasthan
-----Respondent

S.B. Civil Writ Petition No. 9428/2023

Pawan Kumar Sharma S/o Rk Sharma
-----Petitioner
Versus
State Of Rajasthan
-----Respondent

S.B. Civil Writ Petition No. 9545/2023

Ankit Singh Son Of Shri Mahendra Singh
-----Petitioner
Versus
State Of Rajasthan
-----Respondent

S.B. Civil Writ Petition No. 9546/2023

Seema Khan D/o Shri Sher Mohammad Khan



[CW-166/2025]

----Petitioner

Versus

State Of Rajasthan

----Respondent

S.B. Civil Writ Petition No. 9600/2023

Naveen Kumar Bairwa Son Of Shri Jagdish Prasad Bairwa

----Petitioner

Versus

The State Of Rajasthan

----Respondent

S.B. Civil Writ Petition No. 9656/2023

Shifa Bano D/o Shri Ashraf Ali

----Petitioner

Versus

State Of Rajasthan

----Respondent

S.B. Civil Writ Petition No. 9755/2023

Mukesh Bairwa S/o Shri Jagdish Bairwa

----Petitioner

Versus

The State Of Rajasthan

----Respondent

S.B. Civil Writ Petition No. 9837/2023

Arbaz Khan Son Of Shri Zulfikar Ahmed

----Petitioner

Versus

State Of Rajasthan

----Respondent

S.B. Civil Writ Petition No. 9897/2023

Sandeep Singh S/o Laxman Singh Panwar

----Petitioner

Versus

State Of Rajasthan

----Respondent

S.B. Civil Writ Petition No. 9988/2023

Hemant Kumar Sharma Son Of Ishvar Chand Sharma

----Petitioner

Versus

State Of Rajasthan



[CW-166/2025]

-----Respondent

S.B. Civil Writ Petition No. 9992/2023

Praveen Kumar Son Of Jagmal Singh

-----Petitioner

Versus

State Of Rajasthan

-----Respondent

S.B. Civil Writ Petition No. 10991/2023

Vijender Kumar Mahawar Son Of Shri Ramesh Chand Mahawar

-----Petitioner

Versus

State Of Rajasthan

-----Respondent

S.B. Civil Writ Petition No. 11470/2023

Pankaj Singh Khatana Son Of Lekhraj Khatana

-----Petitioner

Versus

State Of Rajasthan

-----Respondent

S.B. Civil Writ Petition No. 11476/2023

Devi Lal Saran Son Of Naurang Ram Saran

-----Petitioner

Versus

State Of Rajasthan

-----Respondent

S.B. Civil Writ Petition No. 15653/2023

Rakesh Son Of Sharwan Kumar

-----Petitioner

Versus

State Of Rajasthan

-----Respondent

S.B. Civil Writ Petition No. 16621/2023

Deepesh Verma S/o Shri Babu Lal Verma

-----Petitioner

Versus

The State Of Rajasthan

-----Respondent

S.B. Civil Writ Petition No. 10275/2024

Mukesh Kumar Saini S/o Shri Lallu Prasad Saini



[CW-166/2025]

-----Petitioner

Versus

The State Of Rajasthan

-----Respondent

S.B. Civil Writ Petition No. 10325/2024

Deepesh Verma S/o Shri Babu Lal Verma

-----Petitioner

Versus

The State Of Rajasthan

-----Respondent

S.B. Civil Writ Petition No. 10981/2024

Anil Kumar Kumawat S/o Phool Chand Kumawat

-----Petitioner

Versus

State Of Rajasthan

-----Respondent

S.B. Civil Writ Petition No. 11216/2024

Vishal Saini S/o Madan Lal Saini

-----Petitioner

Versus

The State Of Rajasthan

-----Respondent

S.B. Civil Writ Petition No. 11625/2024

Mohd. Arman Qureshi Son Of Yunus Saleem Qureshi

-----Petitioner

Versus

State Of Rajasthan

-----Respondent

S.B. Civil Writ Petition No. 11825/2024

Chanchal Sharma D/o Shri Dharmveer Sharma

-----Petitioner

Versus

State Of Rajasthan

-----Respondent

S.B. Civil Writ Petition No. 12154/2024

Chhvi Swami D/o Sankar Lal Swami

-----Petitioner



The State Of Rajasthan
-----Respondent
S.B. Civil Writ Petition No. 12203/2024
Mohit Joshi S/o Purushotam Joshi
-----Petitioner

Versus

The State Of Rajasthan
-----Respondent
S.B. Civil Writ Petition No. 12363/2024
Ghanshyam Kushwah S/o Bharat Singh Kushwah
-----Petitioner

Versus

State Of Rajasthan
-----Respondent
S.B. Civil Writ Petition No. 13371/2024
Arvind Kumar S/o Gulab Chand
-----Petitioner

Versus

State Of Rajasthan
-----Respondent
S.B. Civil Writ Petition No. 13973/2024
Vishnu Kumar Saini Son Of Shri Gilluram Saini
-----Petitioner

Versus

The State Of Rajasthan
-----Respondent
S.B. Civil Writ Petition No. 14841/2024
Mohammed Sadiq S/o Habib Khan Sindhi
-----Petitioner

Versus

State Of Rajasthan
-----Respondent
S.B. Civil Writ Petition No. 15913/2024
Deepak Kataria S/o Shri Rajesh Kataria
-----Petitioner

Versus

State Of Rajasthan
-----Respondent



S.B. Civil Writ Petition No. 16737/2024

Dinesh Kumar Verma S/o Durga Lal Dhobi

-----Petitioner

Versus

State Of Rajasthan

-----Respondent

S.B. Civil Writ Petition No. 454/2025

Mousam Sevak S/o Shri Rajendra Kumar Sevak

-----Petitioner

Versus

State Of Rajasthan

-----Respondent

For Petitioner(s)	:	Mr. Laxmi Kant Malpura Mr. Tanveer Ahamad Mr. Banvari Lal Saini Mr. Mudit Kaushik for Mr. Abhishek Pareek Mr. R.B Sharma Ganthola Mr. Sunil Kumar Singodiya
For Respondent(s)	:	Mr. Archit Bohra, AGC Mr. Bharat Saini

HON'BLE MR. JUSTICE SAMEER JAIN
Order

17/01/2025

1. A bunch of petitions is listed for consideration today.
2. At the outset, learned counsel for the respondent Shri Archit Bohra, AGC representing respondent No. 1- Principal Secretary Medical and Health Department and Subordinate Officers has submitted that vide advertisement dated 31.05.2023, applications were invited for the post of Lab Technician in accordance with Rajasthan Medical and Health Subordinate Service Rules 1965 (*hereinafter referred as 'Rules of 1965'*), and eligibility criteria prescribed therein for the said post in the advertisement was in correspondence with the said Rules of 1965.

3. It is further submitted that 15 marks qua bonus marks were assigned to the candidates or persons rendering services during the pandemic period i.e. COVID-19 (22.03.2020), therefore, if person who has rendered services, even for a one day, during the said period, shall be awarded 15 marks as bonus.

4. Furthermore, it is submitted that the said privilege is for the persons who have rendered services during the emergent situation (pandemic), and persons who have rendered services prior to the said period, for more than 365 days, shall be awarded 10 marks as bonus, subject to the stipulated terms and conditions.

5. Additionally, it is submitted that the primary dispute qua the said advertisement pertains to the registration of candidates, who have rendered services during the pandemic, with RPMC. Therefore, candidates who have not registered themselves with RPMC in accordance with Rules of 1965, their candidature for the said post shall not be considered and allotment of bonus marks.

6. In support of the said contention, learned counsel has placed reliance upon **State of Rajasthan vs. Zaiba & Ors.**, registered as **DBSAW No. 252/2019**, **Suman Jat vs. State of Rajasthan** registered in **SBCWP No. 15115/2018**, and **Zahoor Ahmad Rather & Ors. vs. Sheikh Imtiyaz Ahmad & Ors.**, registered in **Civil Appeal No. 11853-11854/2018**.

7. Further, qua the issue pertaining to 'equivalence of experience', learned counsel has submitted that the said issue has already been adjudicated by the Division Bench at Jodhpur in **Sukha Ram vs. The State of Rajasthan & Ors.**, registered in **DBSAW No. 26/2023**, and this Court under its jurisdiction cannot consider the said issue.

8. Learned counsel for the respondent- RPMC Shri Bharat Saini has submitted that in the instant bunch, in a number of petitions RPMC has not been impleaded as a party, and looking to the facts and circumstances that bonus marks were allotted to candidates who were not registered with RPMC, it is submitted that RPMC need to be impleaded as a party.

9. Further, while placing reliance upon **SBCWP No.226/2009** titled as **Lohade Ram Meena vs. State of Rajasthan & Ors.**, has submitted that work/services rendered by the candidates without registering themselves with the RPMC as per the provisions of Rules of 1965, shall not be considered qua allotment of bonus marks. However, the judgment passed in **Lohade Ram Meena (supra)** was modified in the judgment passed in **Rajasthan Para Medical Council vs. Tara Chand Sharma** registered as **DBSAW No.66/2021**.

10. Learned counsel for RPMC has apprised this Court that nomenclature of RPMC has now been re-named as "*Rajasthan State Allied and Health Care Council*".

11. Considering the facts and circumstances of the case and considering the arguments advanced, by the learned counsel for the parties, this Court directs that:-

11.1. *That in the petitions wherein RPMC is not impleaded as a party, the same be impleaded as a party/performa respondents in array of respondents. Amended cause title be filed.*

11.2. *That an advance copy of the petition(s) be supplied in the office of panel counsel for RPMC Shri Bharat Saini.*

11.3. *That learned counsel Shri Archit Bohra, AGC to file a status report of the selection process qua advertisement dated*

31.05.2023, for the Court to determine whether the lis in question still survives.

12. List the matters on 11.02.2025 at 2:00 PM along with **SBCWP No. 9338/2023** and **SBCWP No.9365/2023**.

(SAMEER JAIN),J

Diksha Mishra/320-361