

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 9698/2025

Rakesh Kumar Meena S/o Shri Murari Lal Meena, Aged About 40 Years, R/o Village Ahmedpur, Post Keelpurkhera, Via Raini, Tehsil Rajgarh, District Alwar (Rajasthan)

-----Petitioner

Versus

1. State Of Rajasthan, Through Principal Secretary, Ayurved Department, Government Of Rajasthan, Secretariat, Jaipur.
2. The Principal Secretary, Department Of Personnel, Govt. Of Rajasthan, Jaipur
3. The Director, Ayurved Department, Directorate, Rajasthan, Ajmer.

-----Respondents

Connected With

S.B. Civil Writ Petition No. 9699/2025

Yogesh Kumar Sharma S/o Shri Jagdish Prasad Sharma, Aged About 39 Years, R/o Village And Post Khareri , Tehsil Bayana, District Bharatpur (Rajasthan)

-----Petitioner

Versus

1. State Of Rajasthan, Through Principal Secretary, Ayurved Department, Government Of Rajasthan, Secretariat, Jaipur.
2. The Principal Secretary, Department Of Personnel, Govt. Of Rajasthan, Jaipur
3. The Director, Ayurved Department, Directorate, Rajasthan, Ajmer.

-----Respondents

For Petitioner(s)	:	Mr. Rajeev Kumar Sogarwal Mr. Ankit Choudhary
For Respondent(s)	:	Mr. Vinod Kumar Goyal Ms. Karishma Soni

HON'BLE MR. JUSTICE SUDESH BANSAL

Order

25/05/2026

1. Heard counsel for both the parties.
2. Both petitioners were appointed on the post of Compounder/ Nurse Junior Grade vide orders dated 09.11.2017, pursuant to

their regular recruitment in furtherance to Advertisement No.1/2013 dated 07.06.2013, however, since at that point of time, the issue of awarding bonus marks as per Rule 19 of the Rajasthan Ayurvedic, Unani, Homoeopathy and Naturopathy Subordinate Service Rules, 1966 (for short, 'the Rules of 1966'), was sub-judice before the Hon'ble Supreme Court, the appointment of petitioners was made under the final decision of the Hon'ble Supreme Court.

Later on, the issue of awarding bonus marks under Rule 19 of the Rules of 1966 was remanded by the Hon'ble Supreme Court for considering the same afresh by the Division Bench of High Court and appointments already given were protected. In furtherance thereof, Hon'ble Division Bench in **D.B. Civil Writ Petition No.10246/2013** titled as '**Yadvendra Shandilya & Ors. Vs. The State of Rajasthan & Ors.**' vide judgment dated 12.12.2023 has upheld the validity of Rule 19 of the Rules of 1966. Hence, in furtherance thereto, since appointment of petitioners was also protected as per order of the Hon'ble Supreme Court while remanding the matter, a fresh notice dated 22/23.04.2025 (Annx.6), was issued by the respondents to petitioners for extending personal opportunity of hearing and thereafter, appointment of petitioners has been cancelled vide orders dated 09.06.2025 (Annx.9), whereagainst petitioners have preferred these writ petitions.

3. Counsel for petitioners pointed out that after judgment of the Division Bench dated 12.12.2023 in case of **Yadvendra Shandilya** (*supra*), affirming the validity of Rule 19 of the Rules of 1966, a composite notice dated 22/23.04.2025 (Annx.6) to

terminate the appointment of six appointees, who were not entitled to get bonus marks as per the *ratio decidendi* expounded by the Division Bench in case of **Yadvendra Shandilya** (*supra*) was issued and these six appointees include both the petitioners. It has further been pointed out that in furtherance to this notice, appointment of all six appointees including both petitioners was cancelled by separate orders, whereagainst two other appointees, namely, Ram Kunwar Meena & Mohd. Shadab Qureshi filed a composite writ petition and one Shaitan Ram filed a separate writ petition before High Court at Principal Seat Jodhpur. It appears that both writ petitions were dismissed, whereagainst Ram Kunwar Meena & Mohd. Shadab Qureshi preferred D.B. Special Appeal Writ No.1774/2025 and Shaitan Ram preferred D.B. Special Appeal Writ No.1791/2025, which are pending before Rajasthan High Court at Principal Seat Jodhpur.

It has further been pointed out that the Hon'ble Division Bench of this High Court at Principal Seat Jodhpur, after hearing the respondents' side, granted interim protection in both appeals, to all three appointees vide orders dated 06.12.2025 & 08.01.2026 respectively, directing that "In the meanwhile, the appellants shall be allowed to continue as Nurse/Compounder".

4. Submission of counsel for petitioners is that the case of all three appointees, to whom protection has been granted by the Division Bench, stands on the same platform to that of present petitioners, and a composite notice dated 22/23.04.2025 (Annx.6) was issued by the respondents to all six appointees, including those three appointees and the present petitioners, based on similar analogy that all six appointees are not entitled for bonus

marks under Rule 19 of the Rules of 1966 as per the judgment of Division Bench in case of **Yadvendra Shandilya** (*supra*), therefore, why their appointment may not be cancelled. His submission is that once according to respondents, when all six appointees, including the present petitioners, fell beyond the criteria of awarding bonus marks as provided under Rule 19 of the Rules of 1966 and their appointments have been cancelled on the similar ground, even thereafter, the Hon'ble Division Bench of this High Court has granted interim protection to the three appointees, then present petitioners may not be discriminated and they also deserve similar interim protection obviously, subject to final adjudication of the two special appeals referred hereinabove, pending before the Principal Seat at Jodhpur.

5. Counsel for respondents, at this stage, sought to make out a difference among the distinct nature of experience of six appointees (to whom a composite notice dated 22/23.04.2025 (Annx.6) was issued), pointing out that the three appointees to whom interim protection has been granted by Division Bench at Principal Seat Jodhpur, gained experience within the State of Rajasthan, whereas the present petitioners gained experience out of the State of Rajasthan. Nevertheless, counsel for respondents is not in a position to dispute the facts that a composite notice (Annx.6) to all six appointees was given by the respondents, in the backdrop of similarity of matrix that all were not found entitled for bonus marks because after the judgment of Division Bench in **Yadvendra Shandilya** (*supra*), their experience is not covered under the criteria prescribed in Rule 19 of the Rules of 1966, and based on that judgment only, their appointments were cancelled

for identical reasons. Further, it is also not in dispute that all appointees including both petitioners have worked for more than five years pursuant to their initial regular appointments, since 2017.

6. In that view of the matter, writ petitions require consideration.

7. **Admit.**

8. As an interim relief, based on the principle of equity and parity, but subject to decision of the special appeals i.e. D.B. Special Appeal Writ No.1774/2025 & D.B. Special Appeal Writ No.1791/2025 pending before the Rajasthan High Court at Principal seat Jodhpur and interim orders dated 06.12.2025 & 08.01.2026 respectively passed therein, it is hereby directed herein that "in the meanwhile, both petitioners shall be allowed to continue as Computer/Nurse Junior Grade".

9. Respondents shall be at liberty to move an application for vacation of stay order, after decision of special appeals referred hereinabove or, in case, interim stay orders dated 06.12.2025 & 08.01.2026 are vacated/modified.

10. List both petitions for hearing after completion of pleadings.

(SUDESH BANSAL),J