

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 10754/2026

URN: CW / 23805U / 2026

1. Avinash Choudhary S/o Shri P.d. Choudhary, Aged About 27 Years, Resident Of 63, Anubhag 03, Brahmano Ka Mohalla, Posani, District Sikar.
2. Amar Singh S/o Shri Rameshwar Dayal, Aged About 38 Years, Resident Of Village And Post Sathalpur, Tehsil Bansur, District Alwar.
3. Pramod Kumar S/o Shri Rohitashwa, Aged About 25 Years, Resident Of Village And Post Rampura, Tehsil Khetri, Jhunjhunu.
4. Alman Akhtar S/o Akhtar Husain, Aged About 26 Years, Resident Of Umrao Manzil, Toda Road, Mohalla Sadat, Malpura Ward No. 6, Malpura, Tonk.
5. Syed Mohammed Zaid S/o Syed Mohammed Saleem, Aged About 29 Years, Resident Of Mohalla Sadat, Fazal Ka Nada, Malpura, Tonk.
6. Vishal Kharod S/o Shri Moman Chand, Aged About 35 Years, Resident Of Ward No. 17, Near Tagore Children Academy, Mandi, Pilibanga, District Hanumangarh.
7. Mohammed Asad S/o Abdul Qayyoom, Aged About 29 Years, Resident Of Mohalla, Sadat, Malpura, District Tonk.
8. Sunil Kumar Yogi S/o Shri Suresh Kumar Yogi, Aged About 38 Years, Resident Of Mukam Post Paota, Tehsil Kotputli, District Jaipur.

-----Petitioners

Versus

1. State Of Rajasthan, Through The Principal Secretary Medical Education Department, Government Secretariat Jaipur-302005 (Raj.)
2. Additional Director (Administration) And Officio Secretary, Directorate Medical Education, Medical Education Building, Govind Marg, Jaipur-302004.
3. The Director, Rajasthan Medical Education Society, Sethi Colony, Jaipur.
4. The Additional Director (Administration), Rajasthan Medical Education Society, Sethi Colony, Jaipur

5. Principal And Controller, Sawai Man Singh Hospital, J.I.n. Marg, Jaipur.
6. Medical Superintendent, S.r. Goyal Government Hospital, Sethi Colony, Jaipur.
7. M/s Dynamic Manpower And Security Services, Plot No. 43, Pani Ki Tanki, Sundar Vihar, Drgapura, Jaipur.

-----Respondents

For Petitioner(s)	:	Mr. Tanveer Ahamad Mr. Iliyas Khan
For Respondent(s)	:	Mr. Archit Bohra, AGC Mr. Yashwant Singh

HON'BLE MS. JUSTICE REKHA BORANA

Order

07/07/2026

1. The present writ petition has been filed aggrieved of orders dated 08.06.2026 (Annex.-5) and 09.06.2026 (Annex.-6) whereby the services of the petitioners have been discontinued from the post of 'Nursing Officer'.
2. It has been submitted that the petitioners have been sought to be replaced by another set of contractual employees which is in contravention to the settled position of law.
3. It has been submitted on behalf of the respondents that in fact the petitioners had been engaged qua the 440 posts which were sanctioned earlier, to be filled up through a placement agency. However, subsequently, after the Rajasthan Contractual Hiring to Civil Posts Rules, 2022 (for brevity 'Rules of 2022') having come into effect, a fresh recruitment process was undertaken in terms of the said Rules. As of date, the said recruitment stands complete and the persons selected in the said

process have been accorded appointment. Therefore, the petitioners who had been appointed with a specific condition that they shall be continued till the regularly selected candidate, in terms of Rules of 2022 are appointed, cannot now raise any claim as a matter or right.

4. Counsel for the petitioners is not in a position to refute the fact that the petitioners are the employees appointed qua the 440 posts, as averred on behalf of the respondent-Department.

5. In **S.B. Civil Writ Petition No. 10404/2026; Rahul Abasara & Ors. Vs. State of Rajasthan & Ors.** (decided on 03.07.2026) this Court has already taken a view that after the recruitment process in terms of the Rules of 2022 having been completed, the earlier employees working through the placement agencies would have no right to continue. Further, it is an admitted fact that most of the petitioners even participated in the recruitment process undertaken in terms of the Rules of 2022. In **Rahul Abasara** (supra), this Court while dealing with the said issued held as under:

"5. It is further an admitted fact that most of the petitioners even participated in the recruitment process undertaken for appointment in terms of the Rules of 2022.

6. In view of the above admitted facts, this Court is of the clear opinion that the petitioners are not entitled to any relief for the following reasons:

(i) The administrative decision of the State whereby the Rules of 2022 were promulgated having not been challenged, no finding qua the said rules can be recorded by this Court.

(ii) The action taken by the State in terms of the Rules of 2022 being not impugned, the appointments made in terms of the said rules cannot be termed to be bad.

(iii) Once the petitioners participated in the process, they definitely waived their right even if any, to lay a challenge the Rules of 2022.

7. As is the settled position of law, to no candidate can, after participating in the recruitment process and having not succeeded, take a u-turn and contend that the process itself was bad or not in terms of law. Hon'ble the Apex Court in **Ashok Kumar Vs. State of Bihar; (2017) 4 SCC 357** while dealing with the similar issue held as under:

"13. The law on the subject has been crystalized in several decisions of this Court. In *Chandra Prakash Tiwari v. Shakuntala Shukla*, this Court laid down the principle that when a candidate appears at an examination without objection and is subsequently found to be not successful, a challenge to the process is precluded. The question of entertaining a petition challenging an examination would not arise where a candidate has appeared and participated. He or she cannot subsequently turn around and contend that the process was unfair or that there was a lacuna therein, merely because the result is not palatable. In *Union of India v. S. Vinodh Kumar* (2007) 8 SCC 100, this Court held that:

'18. It is also well settled that those candidates who had taken part in the selection process knowing fully well the procedure laid down therein were not entitled to question the same (See also *Munindra Kumar v. Rajiv Govil* (1991) 3 SCC 368 and *Rashmi Mishra v. M.P. Public Service Commission*)'

8. Following the above ratio, in **Tajvir Singh Sodhi & Ors. Vs. State of Jammu and Kashmir & Ors.; (2023) 17 SCC 147**, Hon'ble the Apex Court held as under:

"39. It is therefore trite that candidates, having taken part in the selection process without any demur or protest, cannot challenge the same after having been declared unsuccessful. The candidates cannot approbate and reprobate at the same time. In other words, simply because the result of the selection process is not palatable to a candidate, he cannot allege that the process of interview was unfair or that there was some lacuna in the process. Therefore, we find that the writ petitioners in these cases, could not have questioned before a Court of law, the

rationale behind recasting the selection criteria, as they willingly took part in the selection process even after the criteria had been so recast. Their candidature was not withdrawn in light of the amended criteria. A challenge was thrown against the same only after they had been declared unsuccessful in the selection process, at which stage, the challenge ought not to have been entertained in light of the principle of waiver and acquiescence. 40. This Court in Sadananda Halo has noted that the only exception to the rule of waiver is the existence of mala fides on the part of the Selection Board. In the present case, we are unable to find any mala fides or arbitrariness in the selection process and therefore the said exception cannot be invoked."

9. Similar view was reiterated by Hon'ble the Apex Court in the recent judgment of **Gujarat Public Service Commission Vs. Ganeshwary Dushyantkumar Shah & Ors; 2026 SCC OnLine SC 93**.

10. The above ratio definitely applies to the present petitioners too. Furthermore, the financial sanction as granted qua the posts in question, was with a specific stipulation that the same was being granted till the regularly selected candidates in terms of the Rules of 2022 are appointed. The same having been accepted by the petitioners, they cannot now turn up and say that they are entitled for extension of their services or not to be replaced by the persons appointed in terms of Rules of 2022."

6. In view of the above ratio, no case for interference is made out and the present writ petition is hence, **dismissed**.

7. Stay application and pending application(s), if any, stand **disposed of**.

(REKHA BORANA),J