

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Contempt Petition No. 895/2024

Yadram Choudhary S/o Kuldeep Singh, Aged About 26 Years, R/o
Vpo Jat Behror, Tehsil Mundawar, District Khairthal - Tijara

----Petitioner

Versus

1. Smt. Gayatri A. Rathore, Through Secretary, Department Of Medical And Health, Govt. Secretariat, Jaipur (Raj.)
2. Dr. B.c. Badhal, Secretary Rajasthan Staff Selection Board, State Institute Of Agriculture Management Premises, Durgapura, Jaipur
3. Shri Rakesh Kumar Sharma, Director, Medical And Health Services, Rajasthan, Jaipur
4. State Of Rajasthan, Through Additional Chief Secretary, Department Of Medical And Health, Govt. Secretariat, Jaipur

----Respondents

Connected With

S.B. Civil Contempt Petition No. 1217/2024

Renu Kanwar Rathore D/o Raghunath Singh Rathore, Aged About
24 Years, Ro Village Kakod Post Panchoo, Nokha, District Bikaner.

----Petitioner

Versus

1. Smt. Gayatri A. Rathore, Through Secretary, Department Of Medical And Health, Govt Secretariat, Jaipur(Raj.).
2. Dr. B.c. Badhal, Secretary Rajasthan Staff Selection Board, State Institute Of Agriculture Management Premises, Durgapura, Jaipur.
3. Shri Rakesh Kumar Sharma, Director (Non Gazetted), Medical And Health Services, Rajasthan, Swasthyabhawan, Tilakmarg, C-Scheme, Jaipur.
4. State Of Rajasthan, Through Additional Chief Secretary, Department Of Medical And Health, Govt. Secretariat, Jaipur.

----Respondents

For Petitioner(s) : Mr. Devendra Kumar Bhardwaj
For Respondent(s) : Mr. Kuldeep Singh Rathore &
Ms. Harshita Sharma for
Ms. Mahi Yadav AAG
Mr. Surendar Meel
Mr. Kartikeya Sharma

HON'BLE MR. JUSTICE PRAVEER BHATNAGAR

Order

23/02/2026

1. The petitioners, Yadram Choudhary and Renu Kanwar Rathore, have filed separate contempt petitions against the respondents, with the prayer that, in the S.B. Civil Writ Petition No. 8695/2020, the following directions were issued.

"12. In view of above, these writ petitions are disposed of in terms of adjudication made in Para No.11 and 12 qua Issue No. G and Issue No. H of the aforesaid judgment in case of Lalit Kishore (supra).

13. Petitioner(s) will have to obtain 'NOC' from concerned State and submit the same before the Rajasthan Para Medical Council by 27.11.2020.

14. Each petitioner shall furnish a representation before the respondent-Council on or before 24th November, 2020 indicating clearly the date of filing/sending application for registration along with the date and particulars regarding payment of fee.

15. It will be required of each of the petitioner to ensure that his/her application, which has been filed prior to 30.07.2020, is complete in all respects by 27.11.2020. The respondent-Council will not be obliged to intimate the petitioner about the discrepancies in a candidate's application.

16. The respondent-Council will process the applications of the petitioner and grant them registration by 10.12.2020 in accordance with law.

17. While considering the applicants' application, the respondent-Council will take into account as to whether the concerned candidate had remitted the requisite fee or had got the Demand Draft prepared on or before 30.07.2020. In case the same was done by 30.07.2020, the concerned candidate shall be deemed to have applied before 30.07.2020.

18. The State authorities shall conduct a fresh document verification from 14.12.2020 onwards.

19. The State shall issue a notice in this regard and all the candidates who possess the requisite registration on the date of document verification shall be considered for the purpose of appointment subject of course if they are otherwise eligible.

20. The petitioners, who have got their registration with Rajasthan Para Medical Council, will appear in the counselling/document verification and their candidature shall also be considered as per Para-17 herein above.

21. The stay applications also stand disposed of."

2. It is contended by learned counsel for the petitioners that petitioners Yadram Choudhary and Renu Kanwar Rathore obtained 40.62 and 39.41 marks respectively for the selection to the Post of Assistant Radiographer. It is argued that the aforesaid directions were issued in the light of the judgment of Anil Bishnoi.

3. It is argued that, as per the office order dated 18.12.2023, the cut-off marks for OBC candidates in the general category were 40.5358 marks; the petitioner, Yadram Choudhary, obtained 40.62 marks, and the petitioner, Renu Kanwar Rathore, obtained 39.41 marks; and the cut-off marks for female candidates were 38.41. Thus, neither of the petitioners was considered for selection to the Post of Assistant Radiographer.

4. It is also contended by the petitioner that the subsequent order passed dated 18.01.2024 nowhere states that the amended order dated 18.12.2023 was withdrawn.

5. Thus, the respondents have willfully disobeyed the order passed in the matter of Anil Bishnoi dated 26.11.2020. Therefore, respondents may be punished accordingly and directed to comply with the order and directions dated 26.11.2020.

6. Contrarily, learned counsel for the respondents argued that, in the order passed in the matter of Anil Bishnoi in S.B. Civil Writ Petition No. 8695/2020, there was never a direction to the respondents to consider the appointment of the petitioners based on the marks obtained.

7. It is contended that the petitioners were considered in accordance with the directions; however, they did not meet the minimum cut-off marks for their respective categories.

8. It is further submitted that the order dated 18.12.2023 was withdrawn and the subsequent order dated 18.01.2024 was passed.

9. It is also contended that the cut-off marks for the OBC general male category were 46.72. For the general female category, the cut-off mark was 44.89; thus, neither of the petitioners met the cut-off merit declared by the respondent.

10. If the petitioners are still aggrieved with their result, then they are free to approach the appropriate forum for redressal of their grievance, and no contempt is made out against the respondent.

11. Heard and perused the material available on record.

12. The petitioners' S.B. Civil Writ Petition was allowed on the same terms and conditions as the Civil Writ Petition No. 8695/2020 filed by Anil Bishnoi and Ors.

13. In the aforesaid matter, there was never a direction by the Single Bench that petitioners shall be appointed based on their cut-off marks in their category and would be granted appointment for the Post of Assistant Radiographer.

14. The judgment states that the petitioners, who have registered with the Rajasthan Para Medical Council, will appear for document verification during counselling, and their candidature shall also be considered in accordance with Para 17 of the said order referred to above.

15. Thus, from the aforesaid order, it is apparent that there was no such direction that petitioners shall be granted appointment for the Post of Assistant Radiographer after considering their cut-off marks in their category. It is not the case of the petitioners that they were not considered; their only grievance is that they were not granted appointment to the Post of Assistant Radiographer, despite obtaining the cut-off marks declared vide order dated 18.12.2023.

16. The respondents in their reply have categorically stated that the merit was revised. The order dated 18.12.2023 was withdrawn, and the merit declared on 29.07.2021 was maintained; the present petitioners were below the cut-off marks.

17. Thus, considering the aforesaid facts, no contempt is made out; the present civil contempt petitions are dismissed.

18. Rule is discharged.

(PRAVEER BHATNAGAR),J