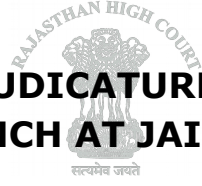




**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**



S.B. Civil Writ Petition No. 7228/2026

Manish Dotasara S/o Sh. Ram Kumar Singh, Aged About 23 Years, R/o Bhaoji Ki Dhani, Batranau, Laxmangarh, District Sikar, Rajasthan.

-----Petitioner

Versus

1. State Of Rajasthan, Through The Secretary, Department Of Medical And Health Services, Government Secretariat, Jaipur.
2. Director, Medical And Health Service, Swastha Bhawan, C-Scheme, Jaipur (Raj.)
3. Chief Medical Health Officer, Government District Hospital, Laxmangarh, Sikar
4. Secretary, Medicare Relief Society, District Hospital, Laxmangarh, Sikar. (Raj.)
5. Principal Medical Officer, District Hospital Laxmangarh, Sikar, Rajasthan.

-----Respondents

Connected with

S.B. Civil Writ Petition No. 6768/2026

1. Vijay Sharma S/o Shri Kunj Bihari Sharma, Aged About 25 Years, R/o Vpo Mangal, Tehsil And District Bundi, Rajasthan.
2. Sanjay Kumar Mehra S/o Shri Kesari Lal, Aged About 45 Years, R/o Vpo Khatkad, Tehsil Raythal, District Bundi, Rajasthan.
3. Kundan Saini S/o Shri Kunj Bihari Saini, Aged About 26 Years, R/o Balchand Pada, Tehsil And District Bundi, Rajasthan.
4. Mohammad Ayan Khan S/o Shri Arif Khan, Aged About 25 Years, R/o Plot No. 80, Vaibhag Nagar, Bajrang Nagar, Kota, Rajasthan.
5. Sonu Raigar C/o Shri Lekhraj, Aged About 29 Years, R/o Trimurti Colony, Chatrapura, Tehsil And District Bundi, Rajasthan.
6. Vikas Kumar S/o Shri Devi Lal, Aged About 26 Years,





R/o Rajnagar, Tehsil Ladpura, District Kota, Rajasthan.

7. Naresh Kumar S/o Shri Heera Lal Nagar, Aged About 33 Years, R/o Dhakado Ka Mohalla, Rajlawat, Nainwa, Bundi, Rajasthan.
8. Sakshi Bhardwaj D/o Shri Mukesh Sharma, Aged About 25 Years, R/o Dabla Puliya, Tehsil Hindauli, District Bundi, Rajasthan.
9. Lakhan Kumar Garuda S/o Shri Murari Lal Garuda, Aged About 26 Years, R/o Bahra, Undwa Khurd, Tehsil Khandar, District Sawaimadhapur, Rajasthan.
10. Sandeep Prajapati S/o Shri Ramswaroop Prajapat, Aged About 28 Years, R/o Dhakhad Khedi, Ladpura, District Kota, Rajasthan.
11. Amit Gautam S/o Shri Giriraj Sharma, Aged About 38 Years, R/o Shiv Colony, Chittor Road, Bundi, Rajasthan.
12. Karan Meena S/o Shri Champa Lal Meena, Aged About 26 Years, R/o Bhawanpura, Tehsil Digod, Kota, Rajasthan.
13. Lomit Rathore S/o Shri Pankaj Rathore, Aged About 26 Years, R/o Raypura, Tehsil Ladpura, Kota, Rajasthan.
14. Ashish Sharma S/o Shri Mahveer Prasad, Aged About 26 Years, R/o A-58, Suvalka, Riddi-Siddhi Vihar Vistar, Kunhadi, Kota, Rajasthan.
15. Vikesh Meena S/o Shri Lalu Ram Meena, Aged About 25 Years, R/o Village Kancholiya, Tehsil Bassi, Jaipur, Rajasthan.
16. Deepak Meena S/o Shri Bhagchand Meena, Aged About 25 Years, R/o Dadiya Patti, Tehsil Aandhi, Jaipur, Rajasthan.
17. Balram Sharma S/o Shri Surendra Kumar, Aged About 26 Years, R/o Vpo Bhiya, Tehsil Keshavray, Bundi, Rajasthan.
18. Chetna Sharma W/o Shri Keshav Kishore Vashishth, Aged About 43 Years, R/o C-208, Mahakal Mandir Ke Pass, G.n. 5, Navjeevan Sangh Colony, Bundi, Rajasthan.
19. Vikram Singh Hada S/o Shri Akhraj Singh Hada, Aged About 28 Years, R/o Chalet, Post Panwar, Tehsil Khanpur,





District Jhalawar, Rajasthan.

20. Onkar Lal Saini S/o Shri Nand Lal Saini, Aged About 30 Years, R/o Devriya (Laxmipura), Tehsil Taleda, Bundi, Rajasthan.

----Petitioners

Versus

1. State Of Rajasthan, Through Principal Secretary, Medical And Health Department, Government Of Rajasthan, Government Secretariat, Jaipur, Rajasthan.
2. Director, Medical And Health Services, Government Of Rajasthan, Swasthya Bhawan, Tilak Marg, C-Scheme, Jaipur, Rajasthan.
3. Mission Director, National Health Missions (Nhm) Cum Joint Secretary, Medical, Medical And Health Services, Jaipur, Rajasthan.
4. Director, Public Health (Hq.), Government Of Rajasthan, Government Secretariat, Jaipur, Rajasthan.
5. Krsnaa Diagnostic Limited, Pune Through Its Authorized Officer Office At S. No. 243, A-Hissa No. 6/6, Cts No. 4519, Near Mayur Trade Centre, Chinchwad, Pune, Maharashtra-411019.
6. Krsnaa Diagnostic Limited, Bundi Through Its Authorized Officer, Office At Chief Medical Officer, Bundi Rajasthan.
7. Joint Secretary, Health And Family Welfare Department, Government Of Rajasthan, Government Secretariat, Jaipur, Rajasthan.
8. Rajasthan Medicare Relief Society, Through Its Secretary, Rajasthan Medicare Relief Society, Bundi, Rajasthan.
9. District Collector, Bundi, Rajasthan.
10. Principal Medical College, General Medicine, Bundi, Rajasthan.
11. Principal Medical College, Bundi, Rajasthan.
12. Chief Medical Officer, Bundi, Rajasthan.

----Respondents

For Petitioner(s) : Mr. Manvendra Singh Choudhary.





Mr. Himanshu Jain.

For Respondent(s) : Mr. Archit Bohra, AGC.

HON'BLE MR. JUSTICE MUNNURI LAXMAN

Order

29/04/2026

1. These writ petitions have been filed challenging the orders of termination of the petitioners' services by the different Outsourcing Agency through whom their services were taken by respondents-Government Authorities.
2. The common facts in the present writ petitions disclosed that the petitioners were working as Lab Technicians by indirect contract as their services were sponsored by manpower agency. Such a scheme was implemented in the background that the infrastructure for lab was previously created by the Government and only services of technicians were obtained through manpower agency. The scheme, under which they were working, has been modified in the format of implementation. Now the Government has taken a decision as a policy measure that the services as well as the infrastructure shall be handling by way of one and same and there is no receipt of individual manpower services through outsourcing agency as was done under the old mode of execution of this scheme. The scheme, which was existing was now changed into with a different name. According to the new scheme and policy, the Government has selected a particular lab and that lab required to offer both infrastructure services as well as the manpower services.





There is no hiring of any individual manpower services by the Government as was done earlier. As a consequence of change of mode of execution of the scheme, now the services of the petitioners have been terminated by the agency under whom the petitioners were working.

3. Learned counsel appearing on behalf of the petitioners submitted that in the name of change of execution of the scheme, the services of the petitioners should not have been terminated and their services should have been continued as they were recruited to the sanctioned post under the scheme though the scheme was changed, but change in the mode of execution of the scheme do not entail the Authorities to put to an end to their services and deprive them from benefits, which are extended when an employee works under direct or indirect contract. It is also his submission that even if the mode of scheme is changed, the petitioners cannot be deprived of rendering services as they have sufficient experience in the service.

4. Learned counsel for the respondents-State submits that the old scheme was that the Government used to take care of infrastructure for creation of lab and the manpower services were arranged through manpower agency. Now the new scheme has been adopted, whereunder the infrastructure as well the manpower services to maintain the lab has been assigned to a recognized lab. As per the new scheme, the labs were also selected to offer both infrastructure as well as the manpower services.





5. The petitioners' claim to continue could have been accepted had there been any continuation of receiving services of manpower through manpower agency, but the supply of manpower agency is no more and now both the services are merged into one and the lab is offering the services under the new scheme without any separate supply of manpower to carry out the test. Therefore, the petitioners cannot compel the respondents to continue to old mode of scheme, which will frustrate the very purpose of the new scheme and compels the Government to create the infrastructure itself instead of giving the such a position to the private lab.
6. This Court in number of cases has been protecting the interest of an employees working under the manpower agency to continue such services, even if there was a change in the manpower agency. That protection was given on the premise that a one set of an employee cannot be replaced by another set of employee only on the ground that there is a change of manpower agency.
7. Now the facts in the present case are different. There is no continuation of any manpower supplier distinctly. Now the previous procedure of execution of the scheme has been changed. The old scheme used to have infrastructure provided at the cost of the Government and the services of manpower were obtained from outsourcing agency, however, in the new scheme, the infrastructure and the manpower services are required to be provided by one entity. There is no borrowing of any manpower services by the respondents-Authorities distinctly.





8. If the request of the petitioners to be accepted, it would interference in the very policy decision and compelling the State to continue to create his own infrastructure instead of giving such an obligation to the private entity.
9. In view of the mode of execution of the new scheme, we cannot compel the Government to continue with the old scheme, which will frustrate the very object of execution of the new scheme.
10. The Government Counsel representing the State on instructions submitted that though manpower agency was stopped and the persons, who were rendering services under the old manpower agency, if they are willing to render their services, their services have been directed to be taken by lab, which is selected to offer both infrastructure services as well as manpower services. There is still an employment guarantee to the persons in spite of selection of new method of execution of the scheme.
11. The contention of learned counsel for the petitioners is that had they been continued, they had a certain advantage under the Rajasthan Contractual Hiring to Civil Posts Rules, 2022. On the basis of the said advantage, this Court cannot compel the State to continue the scheme, which is old in fashion.
12. In view of the overall facts and circumstances of the case, the present writ petitions are disposed of as follows:
 - i. This Court is not inclined to interfere in the order of termination, however, the respondents, who had already instructed to the private entity which is





offering consolidated services of infrastructure as well as manpower to take the services of the petitioners and in view thereof, it is an obligation on part of the respondents to see that the persons, who are working under the old scheme, if they are willing to work, they shall be continued their services under the new scheme also.

- ii. It is also responsibility of the respondents to see that the pay protection, which is extended to the manpower of similar nature of duties, who are sponsored from outsourcing agencies, if the Government is taking services, shall also be directed to be adopted by the labs, under which, the new scheme is executing.

13. Misc. application(s), if any, stand disposed of.

(MUNNURI LAXMAN),J

PKS/95&102

