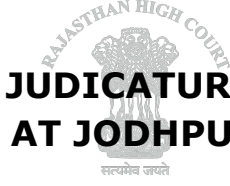




**HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR**



S.B. Civil Writ Petition No. 15600/2025

CNR: RJHC010733442025

URN: CW / 27992U / 2025

1. Sanjay Kumar S/o Shri Shankar Lal Ji, aged about 36 years, R/o Meghwalo Ka Bass, Desuri, Tehsil- Desuri, District- Pali, Rajasthan.
2. Chandrika Garg D/o Shri Jagdish Garg, W/o Shri Manish Kumar Garg, aged about 35 years, R/o Rajputo Ka Mohalla, Village- Taswariya, Kapasan, Chittorgarh, Rajasthan.
3. Bheru Lal S/o Shri Kistur Chand Ji, aged about 36 years, R/o Meeno Ka Bas, Barli Sadri, Desuri, Tehsil- Desuri, District- Pali, Rajasthan.

----Petitioners

Versus

1. State of Rajasthan through Principal Secretary, Medical and Health Department, Jaipur, Rajasthan.
2. Joint Secretary (Planning), Medical and Health Services, Medical and Health Department, Government of Rajasthan, Jaipur, Rajasthan.
3. Director, State Institute of Health and Family Welfare (Sihfw), Jhalana Doongi Colony, Ghat Ki Guni, Jaipur, Rajasthan 302004.
4. Deputy Secretary, Department of Medical and Health (Group-02), Jaipur, Rajasthan.
5. Director (Public Health), Medical and Health Services, Swasthya Bhawan, A-2, Jamnalal Bajaj Marg, Ashok Nagar, C-Scheme, Jaipur, Rajasthan.
6. Chief Medical and Health Officer (CMHO), District Pali, Rajasthan.

----Respondents

For Petitioner(s) : Mr. Himanshu Pareek.
For Respondent(s) : Mr. Tanuj Jain on behalf of
Mr. Mukesh Dave, AGC.





HON'BLE DR. JUSTICE NUPUR BHATI

Order

06/07/2026

1. The present writ has been filed by the petitioner with the following prayers:-

a) Issue an appropriate writ, order or direction thereby quashing and setting aside the impugned order dated 24.07.2025 (Annexure-07), whereby the candidature of the petitioners has been rejected on the ground of non-verification of experience certificate.

b) to issue an appropriate writ, order or direction thereby directing the Respondent No. 3 to grant due weightage to the experience of the petitioners for the post of Nursing Officer, as the petitioners were working against duly sanctioned government posts since October 2019.

c) to issue a direction to the Respondents to consider the candidature of the petitioners for final selection on merits in light of the marks obtained by them and category-wise cut-off, without disqualifying them on the ground of salary source.

d) Any other appropriate writ, order or direction, which this Hon'ble court considers just and proper in the facts and circumstances of this case, may kindly be passed in favour of the petitioner.

e) Costs of the writ petition may kindly be awarded to the petitioner.

2. Brief facts of the case, in a nutshell, are that the petitioners are challenging the order dated 24.07.2025, whereby their candidature for the post of Nursing Officer under the Nursing Officer Recruitment-2023 was rejected on the ground that their experience certificates were not considered, as they were receiving salary through a charitable trust and not directly from the State Government. The respondent No.3 issued an





advertisement dated 05.05.2023 inviting applications for recruitment to the post of Nursing Officer. The petitioners applied pursuant to the said advertisement and participated in the recruitment process. They were called for document verification and subsequently secured marks higher than the cut-off of their respective categories in the provisional merit list dated 06.12.2024. However, in the final merit list dated 24.03.2025, their results were kept on hold on account of non-verification of their experience certificates, which ultimately led to rejection of their candidature by the impugned order dated 24.07.2025. According to the petitioners, they have been working as Nursing Staff since 10.10.2019 at Smt. Mohini Devi Jugraj Hingad Government Community Health Centre, Ghanerao, District Pali, against Government-approved posts established under a Memorandum of Understanding between the State Government and a charitable trust. Their appointments were made with the approval of the Medical and Health Department, and they continued to serve, including during the COVID-19 pandemic. The petitioners assert that although their salaries were disbursed through the Trust, the nature of their employment remained on Government-approved posts and, therefore, they were entitled to experience under the recruitment rules. Aggrieved by the rejection of their candidature, the petitioners submitted a





representation, which was not considered, compelling them to invoke the writ jurisdiction of this Court seeking quashing of the impugned order and a direction to grant due experience and consider their candidature for appointment.

3. Learned counsel for the petitioners submits that the impugned rejection of the petitioners' candidature is wholly unsustainable, as it is founded solely on the ground that their salaries were disbursed through a charitable trust/NGO and not directly by the State Government. It is submitted that the respondents do not dispute that the petitioners worked in a Government Community Health Centre, performed duties equivalent to those of Nursing Staff/Nursing Officer, and rendered service against Government-approved posts. Once the factum of service, the nature of duties performed, and the authenticity of the experience certificates stand verified by the competent Medical and Health authorities, denial of experience gained on the basis of the mode of salary disbursement is arbitrary and contrary to the object of granting bonus marks. Learned counsel further submits that the controversy involved in the present case is squarely covered by the judgment passed by the learned Single Judge in S.B. Civil Writ Petition No. 9104/2025, *Govind Dayma & Anr. v. State of Rajasthan & Ors.*, which has subsequently been affirmed by the Division Bench in





D.B. Special Appeal (Writ) No. 1550/2025, *State of Rajasthan & Ors. v. Govind Dayma & Anr.*, wherein, it was held that the petitioner is entitled to the benefit of bonus marks as per their work experience for the purpose of recruitment to the post of Nursing Officer.

4. *Per contra*, learned counsel for the respondents submits that the petitioners were engaged by a Trust operating in association with the State Government under the Public-Private Partnership (PPP) model and were receiving their salaries through the said Trust. However, learned counsel is not in a position to dispute that the controversy involved in the present writ petition is squarely covered by the judgment relied upon by the learned counsel for the petitioners, as affirmed by the Division Bench.

5. I have given my thoughtful consideration to the submissions made by counsel for the parties and have perused the material available on record.

6. Having considered the submissions advanced by the learned counsel for the parties and upon perusal of the material available on record, this Court finds that the controversy involved in the present case is no longer *res-integra*. The object behind providing the benefit of bonus marks for the purpose of experience in the recruitment process is to recognise and reward candidates who have acquired practical experience while rendering medical services in Government health





institutions. The petitioners admittedly rendered such service for the requisite period against Government-approved posts. Merely because the salary was routed through a charitable trust under an administrative arrangement sanctioned by the State Government cannot dilute or negate the experience so gained.

7. The sole ground on which the petitioners have been denied the benefit of bonus marks towards experience is that they were receiving their salaries from an NGO/Trust functioning under the Public-Private Partnership (PPP) model with the State Government. Such ground of respondents in denying the bonus marks to the petitioners cannot be accepted, inasmuch as the said issue already stands squarely covered by order passed by this Court in the case of Govind Dayma (supra). The relevant portion of the order passed by learned Single Judge in the case of Govind Dayma (supra) reads as under: -

"12. The intention of the State while providing for grant of bonus marks in government recruitments, definitely was to give an extra advantage to the incumbents who had worked during the COVID19 period. The petitioners having worked during that period on the post of 'Lab Technician' once not been disputed, the benefit could not have been denied to them only on technical grounds. Further, when it is proved on record that they were paid during that period, may be by an NGO running the Government hospital, the aspect that veracity of experience certificate is doubtful, is also erroneous.

13. The said observation is also erroneous in view of the communication/certificate dated 18.06.2024 (Annexure-11) of the competent authority which specifically verified that





petitioners worked with a Government hospital during the COVID-19 period.

14. Evidently, the said communication is by the Chief Medical Officer, Kishangarh (Ajmer) of a Government hospital and there is no reason to dispute the same or question the veracity of the same. The rejection of the representations of the petitioners vide orders impugned dated 28.03.2025 (Annexure-12) is clearly on the face of it, erroneous and hence, deserve to be and are hereby quashed and set aside.

15. Accordingly, the writ petition is allowed. The respondents are directed to grant bonus marks to the petitioners as per their work experience and in terms of circular dated 25.04.2023 (Annexure-4). After granting of the said bonus marks if the petitioners find place in merit list and are otherwise found eligible, they be afforded appointment on the post of 'Lab Technician' within a period of eight weeks from now.

16. Stay petition and pending applications, if any, stand disposed of."

8. The order passed in the case of Govind Dayma (supra) was subsequently challenged by the State by filing intra-court appeal being DBSAW No.1550/2025 : State of Rajasthan & Ors. v. Govind Dayma & Anr., which appeal was dismissed on 20.05.2026 while affirming the order passed by the learned Single Judge, allowing writ petition filed by Govind Dayma and another. The relevant portion of the order passed by Division Bench reads as under:

"5. This Court, after hearing learned counsel for the parties and looking to the limited ambit of the controversy, finds that Rule 19 of the Rules of 1965, governs the issue relating to computation of bonus marks for experience. Rule 19 of the Rules of 1965, reads as under:

"19. Scrutiny of applications and examinations.- (1) *The applications received by the Commission, for the post falling under the purview of the Commission, which are found to be incomplete shall be rejected by them. Before appearing in the examination, it should be ensured by the candidate himself/herself that he/she fulfils*





the conditions in regard to age, educational qualifications, experience, if any, etc. as provided in these rules. Being allowed to take the examination shall not entitle the candidate to presumption of eligibility. The candidates shall have to appear in the written examination. The Commission shall scrutinise later on the applications of such candidates only as qualify in the written examination.

(2) The Scheme and Syllabus of written examination shall be such as may be decided by the Commission, from time to time.

(3) The applications received by the Board or the Appointing Authority, as the case may be, for the posts not falling under the purview of the Commission, which are found to be incomplete shall be rejected by it. Before appearing in the examination, it should be ensured by the candidate himself/herself that he/she fulfils the conditions in regard to age, educational qualifications, experience, if any, etc. as provided in these rules. Being allowed to take the examination shall not entitle the candidate to presumption of eligibility. The candidates shall have to appear in the written examination. The Board or the Appointing Authority, as the case may be shall scrutinise later on the applications of such candidates only as qualify in the written examination:

Provided that in case of appointment to the post of Pharmacist, the written examination shall be conducted by the Board/Appointing Authority and the merit shall be prepared on the basis of marks obtained in such written examination and such bonus marks as may be specified by the State Government having regard to the length of experience on similar work under the Government of Rajasthan in Chief Minister BPL Jeevan Raksha Kosh, National Health Mission, Medicare Relief Society, AIDS Control Society, Sahakari Upbhokta Wholesale Bhandar, Sahakari Upbhokta Bhandar and other Co-operative Institutes under the Co-operative department. However, as one time measure, after commencement of the Rajasthan Medical & Health Subordinate Service (II Amendment) Rules, 2022, the recruitment to the post of Pharmacist shall be done by preparing merit list on the basis of marks obtained by the applicant in such qualifying academic and professional examinations as specified in the schedule appended to these rules and such bonus marks as may be specified by State Government having regard to the length of experience on similar work under the Government of Rajasthan in Chief Minister BPL Jeevan Raksha Kosh, National Health Mission, Medicare Relief Society, AIDS Control Society, Sahakari Upbhokta Wholesale Bhandar, Sahakari Upbhokta Bhandar and other Co-operative Institutes under the Co-operative department.

Provided further that in case of appointment to the posts other than Pharmacist, which are not in the purview of the Commission, merit shall be prepared by the Appointing Authority on the basis





of marks obtained in such qualifying academic examination or professional examination or both as specified in the schedule appended to these rules and such bonus marks as may be specified by the State Government having regard to the length of experience on similar work under the Government, National Rural Health Mission, Medi Care Relief Society, Chief Minister BPL Jeevan Raksha Kosh, AIDS Control Society, Revised National Tuberculosis Control Programme (RNTCP), Jhalawar Hospital and Medical College Society, Integrated Disease Surveillance Project or State Institute for Health and Family Welfare.

Provided also that the decision of the Commission/Board or Appointing Authority, as the case may be, regarding the eligibility or otherwise of a candidate shall be final."

6. This Court further finds that the recruitment in question pertains to the post of Lab Technician under the Lab Technician Recruitment, 2023, wherein bonus marks were required to be awarded on the basis of work experience in accordance with the Rules of 1965. The denial of bonus marks by the State to the respondent-candidates appears to have been premised solely upon the source from which the remuneration was paid, rather than upon the nature and length of experience acquired by them while discharging duties in Government Hospitals under Government schemes/projects. The focus has been shifted from the actual discharge of duties in Government institutions to the source of payment, namely the Kishangarh Marble Association (NGO).

7. This Court is of the firm opinion that receipt of remuneration from a State Agency or otherwise may, at best, constitute one of the relevant factors where there exists any doubt regarding the actual discharge of duties in a Government Hospital or the genuineness of the experience gained, however, such a criterion loses importance once it stands admitted and duly established that the respondent-candidates had, in fact, discharged their duties in a Government Hospital and had thereby, acquired practical experience in similar work within such Government institution. The experience certificates issued by the Principal Medical Officers of the Government Hospital, Kishangarh, verify the discharge of such duties. Once the applicability of the provisions contained in the Rules of 1965 stands satisfied with regard to actual service rendered in a Government Hospital, the consequential benefit accruing from such experience cannot be denied merely on the basis of the source from which the remuneration was paid, whether by a charitable institution or any other society.





8. The manning of a Government Hospital undeniably confers specialized and practical experience, for which Rule 19 of the Rules of 1965 envisages a beneficial framework. Such experience, therefore, cannot be discounted merely because certain financial contributions were made by the Kishangarh Marble Association (NGO) for charitable purposes. Since the core aspect of experience gained in a Government Hospital remains undisputed, the respondent-candidates are entitled to the benefit of such experience strictly in accordance with law and in consonance with Rule 19 of the Rules of 1965.

9. In view of the aforesaid discussion, and while concurring with the findings recorded by the learned Single Judge, this Court finds no reason to interfere with the impugned judgment dated 14.05.2025 passed in SBCWP No.9104/2025.

10. Accordingly, the instant special appeal, stands dismissed."

9. Though there exists a slight factual distinction between the present case and the case of *Govind Dayma* (supra), the same does not dilute the applicability of the ratio laid down therein. In *Govind Dayma*, the petitioners were engaged as Lab Technicians in a Government Hospital during the COVID-19 period and were paid through an NGO/Association managing the hospital, whereas in the present case, the petitioners are serving as Nursing Staff in a Government Community Health Centre being operated under the Public-Private Partnership (PPP) model, with their salaries being disbursed through the Trust managing the institution. The factual differences between the present case and *Govind Dayma* (supra) are merely incidental and do not affect the legal issue involved. The controversy in both matters centres on





whether experience gained while serving in a Government health institution can be disregarded solely because the salary was routed through an NGO/charitable trust rather than being paid directly by the State Government. In view of the law laid down in *Govind Dayma* (supra), such a distinction is devoid of legal significance, as the mode of salary disbursement cannot eclipse the undisputed fact of actual service rendered and the experience thereby acquired.

10. In view of the foregoing discussion and in light of the law laid down by this Court in above-mentioned cases, the present writ petition deserves to be and is accordingly allowed. The impugned order dated 24.07.2025, whereby the candidature of the petitioners was rejected on the ground of non-consideration of their experience, is hereby quashed and set aside. The respondents are directed to grant bonus marks to the petitioners as per their work experience. After granting of the said bonus marks if the petitioners find place in merit list and are otherwise found eligible, they be afforded appointment on the post of "Nursing Staff/Nursing Officer" within a period of eight weeks from now.

11. Stay Petition and pending applications, if any, stand disposed of.

(DR. NUPUR BHATI),J

