

राजस्थान सरकार

निदेशालय, चिकित्सा स्वास्थ्य एवं परिवार कल्याण सेवायें, राजस्थान, जयपुर

क्रमांक:-राजहैल्थ/टी.सी./17372/2025/ 22 25

दिनांक:- As Per Signature

मुख्य चिकित्सा एवं स्वास्थ्य अधिकारी,
जोधपुर।

विषय:- एसबीसिविल रिट पिटिशन संख्या 15213/2024 गुलाब सिंह गहलोत एवं अन्य बनाम राज्य सरकार में माननीय न्यायालय द्वारा पारित आदेश दिनांक 05.11.2024 की पालना करने बाबत।

संदर्भ:- संयुक्त शासन सचिव, चिकित्सा एवं स्वास्थ्य (ग्रुप-3) विभाग, राज0 जयपुर के द्वारा दिनांक 23.01.2025 को जारी बैठक कार्यवाही विवरण के क्रम में।

उपरोक्त विषयान्तर्गत वर्णित आदेश की पालना में संदर्भित बैठक कार्यवाही विवरण के क्रम में लेख है कि माननीय राजस्थान उच्च न्यायालय जोधपुर पीठ द्वारा एसबीसिविल रिट पिटिशन संख्या 15213/2024 गुलाब सिंह गहलोत एवं अन्य बनाम राज्य सरकार में दिनांक 05.11.2024 को पारित किये गये आदेशों पर सक्षम स्तर से नो-अपील का निर्णय लिया गया है, जिसकी पालना में निम्नानुसार कार्यवाही किया जाना सुनिश्चित करें:-

1. आपके आदेश दिनांक 21.05.2021 द्वारा चयनित 100 यूटीबी नर्सिंग कार्मिकों की सेवाएँ तत्काल प्रभाव से समाप्त करने के आदेश प्रसारित करें।
2. उक्त कार्मिकों द्वारा सेवा समाप्ति दिनांक तक प्रदान की गई सेवाओं का उपस्थिति प्रमाण पत्र के आधार पर नियमानुसार बकाया मानदेय/वेतन भुगतान करावें।
3. उक्त कार्मिकों को इस अवधि हेतु जारी किये जाने वाले अनुभव प्रमाण पत्रों में स्पष्ट रूप से अंकित करावें की उक्त अनुभव प्रमाण पत्र में अंकित अवधि, अनुभव आधारित बोनस अंकों की गणना हेतु मान्य नहीं होगी।
4. उक्त भर्ती प्रक्रिया की जांच के संबंध में एटीएस/एसओजी को संबंधित रिकॉर्ड तथा उनके द्वारा मांगी जाने वाली किसी प्रकार की अतिरिक्त सूचना/दस्तावेज तत्काल उपलब्ध करावें।

माननीय न्यायालय द्वारा पारित आदेश की प्रति पत्र के साथ संलग्न है। आप द्वारा की गई कार्यवाही से अधोहस्ताक्षरकर्ता को अवगत करवाने का श्रम करें।

संलग्न:-उपरोक्तानुसार।

निदेशक (अराजपत्रित)

क्रमांक:-राजहैल्थ/टी.सी./17372/2025/ 22 25

दिनांक:- As Per Signature

प्रतिलिपी निम्न को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित है:-

1. विशिष्ट सहायक, माननीय चिकित्सा एवं स्वास्थ्य मंत्री महोदय, राजस्थान जयपुर।

2. संयुक्त शासन सचिव, कार्यालय मुख्य सचिव, राजस्थान को उनके पत्र क्रमांक टीएलएल/5805 दिनांक 31.12.2024 में निदेशालय के पत्र क्रमांक 01 दिनांक 03.01.2025 द्वारा प्रेषित अंतरिम प्रतिउत्तर की निरंतरता में।
3. सहायक अधिवक्ता, श्रीमान महाधिवक्ता, माननीय राजस्थान उच्च न्यायालय, राजस्थान।
4. निजी सचिव, प्रमुख शासन सचिव, चिकित्सा एवं स्वास्थ्य विभाग, राज0 जयपुर।
5. संयुक्त शासन सचिव, चिकित्सा एवं स्वास्थ्य (ग्रुप-2/3) विभाग, जयपुर।
6. उप महानिरीक्षक, पुलिस, स्पेशल ऑपरेशन्स ग्रुप/एटीएस, राजस्थान जयपुर।
7. निदेशक (जन स्वा0), मुख्यालय।
8. श्रीमान नरेन्द्र सिंह राजपुरोहित, अतिरिक्त महाधिवक्ता, माननीय राजस्थान उच्च न्यायालय जोधपुर।
9. निदेशक, राज्य स्वास्थ्य एवं परिवार कल्याण संस्थान, जयपुर को प्रेषित कर लेख है कि माननीय न्यायालय द्वारा बोनस अंकों के क्रम में दिये गये निर्देशों की पालना सुनिश्चित करावें।
10. उप विधि परामर्शी, मुख्यालय।
11. निजी सचिव, संभागीय आयुक्त जोधपुर।
12. संयुक्त निदेशक, चिकित्सा एवं स्वास्थ्य सेवायें, जोन जोधपुर।
13. निजी सचिव, जिला कलेक्टर जोधपुर।
14. प्रधानाचार्य एवं नियंत्रक, एस.एन मेडिकल कॉलेज एवं संलग्न चिकित्सालय समूह, जोधपुर।
15. डॉ. बी.एम. स्वर्णकार, स्टैंडिंग केस प्रभारी अधिकारी, माननीय राजस्थान उच्च न्यायालय जोधपुर।
16. जिला प्रजनन एवं शिशु स्वास्थ्य अधिकारी एवं केस प्रभारी अधिकारी, जोधपुर शहर।
17. समस्त नियंत्रण अधिकारी, चिकित्सा एवं स्वास्थ्य/चिकित्सा शिक्षा/अन्य विभाग, राजस्थान को माननीय न्यायालय द्वारा पारित आदेश में बिन्दु संख्या 17 एवं 18 के क्रम में पालनार्थ।
18. प्रभारी सर्वर रूम को प्रेषित कर लेख है कि पत्र को विभागीय वेबसाईट पर अपलोड करते हुए सभी संबंधित को ई-मेल करें।
19. रक्षित पत्रावली।

Document certified by RAKESH KUMAR SHARMA <rasrakeshsharma@gmail.com>.

Digitally Signed by Rakesh Kumar Sharma

Designation: Director

Date :30-01-2025 05:40:56



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

S.B. Civil Writ Petition No. 15213/2024

Gulab Singh Gehlot

----Petitioner

Versus

The State Of Rajasthan

----Respondent

Connected With

1. S.B. Civil Writ Petition No. 7746/2021
2. S.B. Civil Writ Petition No. 8715/2021
3. S.B. Civil Writ Petition No. 15661/2024

For Petitioner(s) : Mr. Rajesh Joshi, Sr. Advocate
assisted by Mr. Karmendra Singh
Mr. Deepesh Beniwal
Mr. Lokesh Mathur

For Respondent(s) : Mr. Anirudh Singh Shekhawat for Mr.
Rajendra Prasad, Advocate General
Mr. NS Rajpurohit, AAG assisted by
Ms. Ruchi Parihar
Mr. Vikas Balia, Sr. Advocate assisted
by Mr. Sachin Saraswat
Mr. Sanjeev Purohit

JUSTICE DINESH MEHTA
Order

05/11/2024

1. The submissions in this batch of writ petitions were heard at length.
2. Upon hearing Mr. Deepesh Beniwal, learned counsel for the petitioner in Manish Kumar Parmar's case (S.B. Civil Writ Petition No.7746/2021) and upon perusal of the record, this Court is prima-facie of the view that serious manipulations have been done while undertaking the process of engaging GNM on UTB basis pursuant to advertisement dated 25.11.2020 issued for 50 posts.
3. It is surprising to note that though initial advertisement was for 50 posts but 100 candidates were appointed without issuing a



fresh advertisement and that apart, all the 100 candidates, who have been selected, have secured 40 marks out of 40 in the interview while many candidates who were not selected despite having secured 55, 56 and 60 marks in academics have been awarded only 0, 5 and 10 marks.

4. During the pendency of writ petition, a report of the Divisional Commissioner dated 19.09.2023 has been prepared and placed on record. Said report points out various discrepancies and is enough to indicate that the entire selection process was vitiated. Said report concludes thus:-

परिष्कार :-

1- मद्र HkrhZ izfØ;k esa fu;ekuqlkj vkj{k.k laca/kh izko/kkuksa dh ikyuk ugh dh xbZ] tcfद foHkkx }kjk tkjh i= fnukad 24-09-2020 o 27-04-2021 esa jktLFkku fpdfRlk ,oa LokLF; v/khuLFk Isok fu;e 1965] le;≤ ij la'kksf/kr fu;e o vU; HkrhZ fu;eksa dh ikyuk ds Li"V funsZ'k tkjh fd;s x;s FksA मद्र HkrhZ gsrq izdkf'kr foKflr ,oa vkosnu i= ladyu esa dgh Hkh tkfr ;k vkj{k.k dk mYys[k ugha gSa vr% fofHkUu oxksZ dks vkj{k.k ugha fn;k x;kA

2- fpdfRlk ,oa LokLF; foHkkx }kjk tkjh vkns'k fnukad 04-10-2014 o 09-11-2017 esa fpdfRlk vf/kdkfj;ksa ds lafonk HkrhZ gsrq okWd&bu bUVjO;w ds izko/kku gSA foHkkx }kjk tkjh vkns'k 24-09-2020] 27-04-2021 o 05-05-2021 esa iSjk esfMdy LVkQ inksa gsrq bUVjO;w ds dksbZ Li"V funsZ'k ugha FksA fQj Hkh bl HkrhZ izfdz;k esa 'kS{kf.kd o rdudh ;ksX;rk ds lkFk bUVjO;w dk izko/kku j[kk x;k ,oa rn~uqlkj HkrhZ dh xbZA

3- p;u lfefr }kjk foHkkxh; i= fnukad 27-04-2021 }kjk izklr Lohd`fr ds mijkUr iwoZ esa Lohd`r 50 iSjkesfMdy LVkWQ inks ds fy, vk;ksftr lk{kRdkj esa mifLFkr vH;fFkZ;ksa esa ls gh 100 th,u,e xzsM&2@uflZx dehZ dk p;u fd;k x;k] tcfद मद्र fLFkfr esa c<s gq, inks ds fy, iqufoZKflr tkjh djrs gq, fu;ekuqlkj u, fljs ls vkosnu eaxok;s tkus FksA





4- fpfdRlk ,oa LokLF; foHkkx ds i= fnukad 05-05-2021 ds fcUnq la[;k 3 }kjk uflZax ,oa isjkesfMdy dfeZ;ks dk p;u 'kS{kf.kd ;ksX;rk o rduhdh ;ksX;rk ds izfr'kr ds vk/kkj ij esfjV cukdj p;u ds funsZ'k fn;s x;s] fdUrq mDr i= esa vadks dk forj.k fdl izdkj gksxk] bldks ysdj fLFkfr Li"V ugha gSA mDr HkrhZ izfdz;k esa p;u lfefr }kjk vius Lrj ij 'kS{kf.kd o rduhdh ;ksX;rk gsrq 20&20 vad] vVsEi dh la[;k gsrq 10 vad] vuqHko gsrq 10 vad ,oa lk{kRdkj gsrq 40 vadks dk fu/kkZj.k fd;k x;kA

5- vkosnu i=ksa dh tkWp djus ij rkfydk 1 esa mYysf[kr =qfV;k ifjyf{kr gqbZA ftlesa dqN vH;fFkZ;ksa dks iwoZ fu/kZfjr ekin.Mks ls T;knk vad fn;s x;sAß

5. True it is, that the State has taken an in-principle decision to dispense with services of all the selected candidates in light of the allegations of irregularities. These candidates apprehending their disengagement have challenged the proposed action by preferring Writ Petition No.15213/2024 and S.B. Civil Writ Petition No.15661/2024.

6. It appears that Co-ordinate Bench of this Court has passed interim orders on 17.09.2024 (S.B. Civil Writ Petition No.15213/2024) and 19.09.2024 (S.B. Civil Writ Petition No.15661/2024), restraining the respondents from dispensing with services of the petitioners therein, perhaps considering that fate of the petitioners will ultimately depend upon the adjudication of the writ petition filed by Manish Kumar Parmar (S.B. Civil Writ Petition No.7746/2021).

7. Having heard learned counsel for the parties and upon perusal of the record, this Court finds that there is no case worth interference or even worth equitable relief to those 100 candidates, so far as S.B. Civil Writ Petition No.15213/2024: Gulab Singh Gehlot and Anr. vs. State of Rajasthan and Anr. and S.B.



Civil Writ Petition No.15661/2024: Rakesh Kumar Daiya and Anr. vs. State of Rajasthan and Anr. are concerned.

8. At this juncture, Mr. Rajesh Joshi, learned Senior Counsel appearing in S.B. Civil Writ Petition No.15213/2024 and Mr. Lokesh Mathur, learned counsel appearing in S.B. Civil Writ Petition No.15661/2024, submitted that though payment of petitioners' honorarium/salary was stayed by the order dated 28.07.2021 passed in Writ Petition No. 7746/2021, but they have served the respondents. They on instructions prayed that their writ petitions be dismissed as withdrawn, however the State be directed to make payment and issue experience certificate for the period they have worked/served.

9. Mr. Beniwal, learned counsel questioning the selection so made, submitted that his clients are not much concerned, if orders for payment of salary to these selected candidates is passed, but so far as issuance of experience certificate is concerned, he argued that the candidates who were illegally/irregularly selected would claim bonus marks on the basis of such certificates. While pointing out that these candidates have rendered more than 3 years' of service and if the certificates are issued, those experience certificate would entitle them for 30 bonus marks.

10. He contended that on the basis of such bonus marks, all the 100 selected candidates will get an edge over other candidates who have not been selected despite being meritorious in the future recruitments. He argued that such illegally selected candidates cannot be allowed to take premium of their illegalities.

11. This Court is of the view that though the petitioners in Writ Petition Nos.15213/2024 and 15661/2024 have been selected and



appointed illegally/irregularly but they nevertheless have worked with the State, thus, their salary cannot be withheld/forfeited by the State Government. Non-payment or forfeiture of their salary would be violative of Article 23 of the Constitution of India.

12. The State Government is directed to pay honorarium/salary to all the selected candidates within a period of three months from today, obviously, after verifying their actual service.

13. Considering the material on record, marks obtained by the candidates and report of the Divisional Commissioner, the interim order(s) granted by this Court in S.B. Civil Writ Petition No.15213/2024 on 17.09.2024 and S.B. Civil Writ Petition No.15661/2024 on 19.09.2024, are hereby vacated. The State shall be free to terminate services of the petitioners in these writ petitions and all the candidates appointed vide order dated 21.05.2021.

14. The respondent-State and Chief Medical and Health Officer shall however be free to issue experience certificate in accordance with law for the period during which each of the selected candidates have worked pursuant to the appointment order dated 21.05.2021.

15. Such certificate shall contain a note that the experience certificate is not valid for the purpose of grant/claim any bonus marks.

16. The issue as to whether appointment/selection of these candidates was void ab-intio, illegal or irregular so also their right to claim bonus marks shall remain subject to final outcome of the writ petition filed by Manish Kumar Parmar : S.B. Civil Writ Petition No.7746/2021.



17. In case, any candidate selected pursuant to the appointment order dated 21.05.2021, impugned in S.B. Civil Writ Petition No. 7746/2021 (Manish Kumar Parmar) has been granted bonus marks and offered appointment, the same shall remain subject to outcome of the writ petition (S.B. Civil Writ Petition No.7746/2021).

18. The service of any such candidate(s) out of these 100 candidates who has been selected while claiming bonus marks shall not be regularized without the leave of the Court.

19. Having regard to the facts noted above and the manner in which the selections have been made, this Court is of the view that a thorough probe by some State agency, who is having expertise in investigation is necessary, so as to infuse and instill faith and ensure transparency in the public employment.

20. This Court therefore, directs the Additional Director General of Police (ATS and SOG) to conduct an investigation/ inquiry in the matter and furnish report within a period of three month, giving out names of the person(s) responsible/guilty.

21. SOG shall be free to take copy of the writ petition and pleadings of writ petition No.7746/2021 from learned Additional Advocate General in order to elicit basic facts/allegations but shall have to give its independent report.

22. List these cases on 16.03.2025.

(DINESH MEHTA),J

31-34-raksha/-

