

# राज्य स्वास्थ्य एवं परिवार कल्याण संस्थान

झालाना सांस्थानिक क्षेत्र, जयपुर

क्रमांक :- F-109(9)/SIHFW/MH-Recru/LT/2023/5697

दिनांक:- 16/06/2023

लैब टेक्नीशियन एवं सहायक रेडियोग्राफर भर्ती 2023 के आवेदकों हेतु आवश्यक सूचना

माननीय राजस्थान उच्च न्यायालय में दायर डीबी सिविल रिट पिटीशन संख्या 8675/2023 सुमित बनाम राजस्थान राज्य में पारित आदेश दिनांक 02.06.2023 व डीबी 9043/2023 प्रीती बनाम राजस्थान राज्य व अन्य कनेक्टेड याचिकाओं में पारित आदेश दिनांक 07.06.2023 की पालना में राज्य स्वास्थ्य एवं परिवार कल्याण संस्थान जयपुर द्वारा लैब टेक्नीशियन के रिक्त पदों पर भर्ती हेतु जारी विज्ञप्ति क्रमांक F-109(9)/SIHFW/MH-Recruit/LT/2023/5334, दिनांक 31.05.2023 एवं सहायक रेडियोग्राफर के रिक्त पदों पर भर्ती हेतु जारी विज्ञप्ति क्रमांक F-109(10)/SIHFW/MH-Recru/ARG/2023/5333, दिनांक 31.05.2023 के अन्तर्गत आवेदन करने वाले याचिकाकर्ताओं एवं समान आधार (Similar Footings) वाले समस्त आवेदकों को माननीय न्यायालय के अंतिम निर्णय के अध्याधीन ऑनलाईन/ऑफलाईन आवेदन फार्म भरने हेतु प्रोवीजनली अनुमति प्रदान की जाती है। माननीय न्यायालय के आदेश दिनांक 07.06.2023 की प्रति विभागीय वेबसाईट पर उपलब्ध है।

निदेशक

राज्य स्वास्थ्य एवं परिवार कल्याण संस्थान  
जयपुर, राजस्थान



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

**D.B. Civil Writ Petition No. 9043/2023**

Preeti D/o Shri Girraj Saini

----Petitioner

Versus

State Of Rajasthan

----Respondent

**Connected With**

**D.B. Civil Writ Petition No. 9091/2023**

Lokesh S/o Sanjay Chauhan

----Petitioner

Versus

State Of Rajasthan

----Respondent



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For Petitioner(s) : Mr. Himanshu Jain  
Mr. Praveen Sharma  
For Respondent(s) : Dr. V.B. Sharma, AAG

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**HON'BLE MR. JUSTICE SUDESH BANSAL  
HON'BLE MR. JUSTICE ASHUTOSH KUMAR ( V. J. )**

**Order**

**07/06/2023**

1. By way of instant writ petitions, challenge has been made to a condition that candidate must be domicile of Rajasthan, for the purpose of registration before the Rajasthan Para Medical Council, which has been inserted under Rule 42, by way of amendment notification dated 16.02.2023 titled as Rajasthan Para Medical Council (Amendment Regulation, 2023) whereby an amendment has been carried out in the Rajasthan Para Medical Council Regulation of 2014 & 2015 and Rule 42 has been substituted. It has been argued that the amendment to the extent under



challenge, is arbitrary, discriminatory and ultra virus to the Constitution.

2. It has been submitted that in the meanwhile, respondents have issued an advertisement dated 31<sup>st</sup> May 2023, notifying vacancies of Lab Technician/Assistant Radiographer and petitioners are eligible as also possess requisite qualification to participate for such posts, however, because of such addition inserted by way of Amendment Regulation 2023 (*Supra*) in Rule 42 of Regulation of 2014, petitioners have not been allowed to be registered before the Rajasthan Para Medical Council and hence they are being deprived to participate in the present recruitment process.

3. It has been informed that a Division Bench of this Court in ***DB Civil Writ Petition No.8675/2023; Sumit Vs. State of Rajasthan*** vide order dated **02.06.2023**, entertained the writ petition, assailing the similar Amendment Regulation of 2023 and permitted petitioner to participate in the recruitment process pursuant to advertisement dated 31<sup>st</sup> May 2023. The interim order dated 02.06.2023 passed in DBCWP No.8675/2023 is being reproduced as under:-

*"In the meanwhile, the petitioner is provisionally permitted to submit his application form. The said form would be accepted by the respondents provisionally but acceptance thereof would not confer any right equity or further benefit upon the petitioner. The process of selection would go on, but the same shall be subject to the outcome of writ petition."*

4. In view of above, let notices be issued to respondents.





5. On behalf of respondents No.1 & 2, learned Additional Advocate General, Dr. V.B. Sharma has put in appearance and accepts notices, hence notices be issued to respondent No.3 Rajasthan Para Medical Council.

6. In addition, learned counsels for petitioners are at liberty to serve copy of writ petitions in the Office of Mr. Bharat Saini, who usually appears for Rajasthan Para Medical Council, within a period of one week.

7. Office is directed to show names of Dr. V.B. Sharma, AAG and Mr. Bharat Saini in the cause list.

8. In the meanwhile, it is hereby observed that the Interim order dated 02.06.2023 passed by the Division Bench in *DB Civil Writ Petition No.8675/2023; Sumit Vs. State of Rajasthan*, shall remain operative in the present writ petitions as well and petitioners shall be allowed to submit offline/online application form and to participate in the present recruitment process for the post of Lab Technician/Assistant Radiographer pursuant to advertisement dated 31<sup>st</sup> May 2023, provisionally, in terms of the interim order dated 02.06.2023.

9. In addition to above, this Court deems it just and proper to observe that other candidates, who are aspirants to apply and participate in the present recruitment process for the post of Lab Technician/Assistant Radiographer, pursuant to advertisement dated 31.05.2023 and are placed on the similar footing to petitioners in DBCWP No.8675/2023 and present writ petitions, need not to rush before this Court for the purpose of seeking permission to apply and participate in the present recruitment process for the post of Lab Technician/Assistant Radiographer,



because learned Additional Advocate General, appearing on behalf of State Authorities, ensures before this Court, for allowing other similarly situated aspirants to submit their offline/online application forms and to participate in the present recruitment process, taking the interim order dated 02.06.2023 passed in DBCWP No.8675/2023 (*Sumit Vs. State of Rajasthan*) applicable for other similarly situated aspirants/candidates as well.

Needless to observe that the participation shall be permitted within the time frame and as per terms of the advertisement dated 31<sup>st</sup> May 2023.

10. In order to prevent multiplicity of similar nature of litigations before this Court, the State Authorities shall ensure to circulate this Order of the High Court by way of putting on its website and by other modes, including publication of a Press Note to this effect in the daily newspaper, having wide circulation in the State of Rajasthan such as Rajasthan Patrika/Dainik Bhaskar, as think proper.

11. List these matters along with *DB Civil Writ Petition No.8675/202*.

(ASHUTOSH KUMAR ( V. J. )),J

(SUDESH BANSAL),J

SACHIN/1 & 2