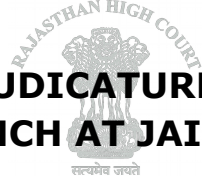




**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**



S.B. Civil Writ Petition No. 840/2020

Sumitra Kumari D/o Shri Bhagirathmal, Aged About 29 Years,
R/o Village Post Chachiwad Bara, Tehsil Fatephur Shekhawati,
District Sikar-332311 (Rajasthan)

-----Petitioner

Versus

The Department Of Medical, Health And Family Welfare,
Government Of Rajasthan, Through Its Additional Director
(Administration), Medical And Health Services, Swasthya
Bhawan, Tilak Marg, C-Scheme, Jaipur, Rajasthan.

-----Respondent

For Petitioner(s) : None present
For Respondent(s) : None present

HON'BLE MR. JUSTICE GANESH RAM MEENA

Judgment / Order

25/04/2024

1. No one has put in appearance on behalf of the petitioner.
2. No one has put in appearance also on behalf of the respondents even after service.
3. This writ petition has been filed by the petitioner with the prayer to set aside the order dated 14.12.2019, whereby the candidature of the petitioner for recruitment to the post of Health Worker (Female) was rejected due to other board. It is further prayed that the respondents may be directed to give appointment to the petitioner on the post of Health Worker (Female) against the vacancies advertised vide advertisement dated 18.06.2018.



4. As per the averments made in the writ petition, an advertisement dated 18.06.2018 was issued by the respondent - Medical & Health Services Department, Government of Rajasthan for inviting application forms from the eligible candidates for recruitment to the post of Health Worker (Female). As per the terms and conditions given in Clause 5 of the advertisement dated 18.06.2018, the Educational and Professional qualification is that a candidate must be having 10th Standard with Auxiliary Nurse Midwifery Training/Health Worker Female course passed and registered in Rajasthan Nursing Council as B Grade Nurse.

5. Clause 5 of the advertisement dated 18.06.2018 is quoted as under:-

“नियुक्त होने वाले अभ्यर्थियों के लिये राज्य सरकार द्वारा दिनांक 01.01.2004 से निर्धारित की गई अंशदायी पेंशन योजना लागू होगी।

योग्यता

भर्ती हेतु विज्ञापित पदों के लिये शैक्षणिक एवं व्यवसायिक योग्यता का विवरण निम्नानुसार है—

पदनाम	शैक्षणिक एवं व्यवसायिक योग्यता
Health Worker (Female)	Xth Standard with Auxiliary Nurse Midwifery Training/ Health Worker Female course passed and registered in Rajasthan Nursing Council as B Grade Nurse.

नोट:—व्यवसायिक योग्यता के लिये राजस्थान नर्सिंग कौंसिल, जयपुर द्वारा जारी पंजीयन क्रमांक लिखना अनिवार्य है। पंजीयन के अभाव में पंजीयन संबंधी अन्य कोई दस्तावेज मान्य नहीं होगा। अभ्यर्थी का राजस्थान नर्सिंग कौंसिल में पंजीयन भर्ती हेतु आवेदन की अंतिम तिथि तक होना अनिवार्य है।

उक्त के अतिरिक्त अभ्यर्थी के लिये राजस्थान चिकित्सा एवं स्वास्थ्य अधीनस्थ सेवा नियम 1965 में यथाविहित समस्त अन्य योग्यताये पूर्ण करना अनिवार्य है। वह आवेदित पद के लिये इन नियमों के तहत नियुक्ति हेतु अयोग्य नहीं होना चाहिये।”

6. It has been submitted in the petition that the petitioner in online application form for recruitment to the post of Health Worker (Female) has mentioned that she has passed the Secondary School Examination from the Central Board of Secondary Education in the year 2010 and the ANM Course in 2013 from the Rajasthan Nursing Council, Jaipur. She has also



stated therein that she is registered with the Rajasthan Nursing Council bearing Registration No. 47740 dated 04.02.2014 which was valid upto 31.12.2018. In support of the educational and professional qualifications, the petitioner has submitted the relevant documentary evidence i.e. mark sheet and certificate and so also the registration certificate in regard to the registration with the Rajasthan Nursing Council. In view of the documentary evidence submitted by the petitioner, it is very much clear that the petitioner is eligible for recruitment to the post of Health Worker (Female) as per the terms and conditions given in Clause 5 of the said advertisement.

7. The respondents have rejected the candidature of the petitioner vide order dated 14.12.2019 mentioning the reasons as rejected due to other Board. The ground of rejection of the candidature of the petitioner seems to be wholly illegal and arbitrary for the reason that nowhere the terms and conditions of the advertisement speaks about the qualification and professional training from any particular Board.

8. In view of the above, the ground of the rejection of the candidature of the petitioner as given by the respondents in the impugned order dated 14.12.2019 is wholly illegal, arbitrary and unjustified and is contrary to the terms and conditions of the advertisement. Therefore, this writ petition deserves to be allowed.

9. Accordingly, this writ petition is allowed. The order dated 14.12.2019, passed by the respondent whereby the candidature qua petitioner was rejected for recruitment to the post of Health Worker (Female) pursuant to advertisement dated



18.16.2018, is set aside and petitioner is being declared as eligible.

10. The respondents are directed to consider the case of the petitioner for appointment on the post of Health Worker (Female) pursuant to the advertisement dated 18.06.2018 on the basis of her merit as per the criteria of her selection and appointment with all consequential benefits including seniority etc. with effect from the date when the person lower in merit to her has been allowed appointment.

11. It is made clear that the petitioner would be entitled for notional benefits for the intervening period.

12. The exercise of the consideration and issuing appointment order in favour of the petitioner be completed within a period of two months from the date of receipt of a certified copy of this order.

13. Let copy of this order be sent to the Additional Director (Admn.) Department of Medical & Health, Government of Rajasthan for compliance and to petitioner also for acknowledgement of this order.

14. In view of the order passed in the main petition, the stay application and pending application/s, if any, also stand disposed of.

(GANESH RAM MEENA),J

DIVYA SAINI /216