



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

S.B. Civil Writ Petition No. 8072/2023

1. Pritika Gahlot D/o Jagdeesh Ram, Aged About 23 Years, Resident Of Maliyon Ka Bass, Pipar Road, Salwa Khurd, District Jodhpur.
2. Pooja Vaishnav D/o Shambhu Lal, Aged About 22 Years, Resident Of Bapu Nagar, Mata Ka Than, Jodhpur.
3. Lata Dangi D/o Raju Ram Dangi, Aged About 25 Years, Resident Of Opposite Ram Shyam Chemical Factory, Subhash Colony, Pipar City, Jodhpur.
4. Sapana Kumari D/o Mahaveer Singh Meena, Aged About 22 Years, Resident Of 31, Meena Ka Mohalla, Chakwas, Jhunjhunu.
5. Kavita D/o Prabhu Dayal Jhotwal, Aged About 23 Years, Resident Of Patwari Ka Bas, Shrimadhampur, District Sikar.
6. Ajay Chouhan S/o Paras Mal, Aged About 24 Years, Resident Of Sargaro Ka Bas, Rajadand, Pali.
7. Rajesh Kumar Meena S/o Munshi Ram Meena, Aged About 29 Years, Resident Of Sagour Post Santnagar Th. Bari, Dholpur 328021.
8. Bhavna D/o Prakash, Aged About 22 Years, Resident Of Acharyon Ka Bas, V/p Gangani, Tehsil Baori, District Jodhpur.
9. Pooja Prajapat D/o Shyam Prajapat, Aged About 23 Years, Resident Of Gaytri Colony, Ratanada, Jodhpur.
10. Pooja Choudhary D/o Suja Ram, Aged About 22 Years, Resident Of Dudiyo Ka Bass, Ratkuria, District Jodhpur.
11. Ganpat Singh S/o Mag Singh, Aged About 27 Years, Resident Of Tinwari, Tehsil Tinwari, District Jodhpur. Pincode 342306
12. Sunita Choudhary D/o Kalu Ram, Aged About 22 Years, Resident Of Khinwatana, Tehsil Degana, District Nagaur.
13. Prakash S/o Agra Ram, Aged About 23 Years, Resident Of Maliyo Ka Bas, Bassi Nagar, Barla Basni, Tinwari, District Jodhpur.
14. Ashok Dewasi S/o Hanuman Ram, Aged About 22 Years, Resident Of Dewasiyo Ka Bas, Roodiya, District Jodhpur.
15. Meenakshi Senwar D/o Bhanwar Lal, Aged About 23 Years, Resident Of Near Aashapurna Basera, Pal Village, Jodhpur.
16. Santosh D/o Prakash Chand Gehlot, Aged About 23 Years, Resident Of Kanavas Road, Balunda, Jaitaran, District Pali.
17. Radhika Pareek D/o Kalyan Pareek, Aged About 22 Years, Resident Of Bhatiyo Ka Bas, Magra Punjala, Jodhpur.
18. Shubham Kala S/o Mohan Lal, Aged About 24 Years,



Resident Of 67, Boyal House, Gandipura, 1St Street, Rasala Road, Bjs Colony, Jodhpur.

19. Mamta D/o Babu Ram, Aged About 24 Years, Resident Of Bhakhri Ki Dhani, Sindhipura, Jodhpur.
20. Durga Kanwar D/o Puran Singh, Aged About 23 Years, Resident Of 27/110, Mahaveer Nagar, Nandri Banar Road, Jodhpur.
21. Khushboo D/o Rawal Ram, Aged About 23 Years, Resident Of 52, Sector-03, Ramraj Nagar, Chokha, Jodhpur.
22. Chandrakala Panwar D/o Narayan Ram, Aged About 22 Years, Resident Of 3-E-52, Kuri Bhagtasani Housing Board, Jodhpur.
23. Vimla D/o Lichhaman Ram, Aged About 22 Years, Resident Of Amroji Bhati Ki Dhani, Birani, Bhopalgarh, District Jodhpur.
24. Khushbu Inda D/o Kishan Singh, Aged About 23 Years, Resident Of Bhagawan Mahaveer Nagar, Nandri Road, Jodhpur.
25. Jeeta Ram S/o Kana Ram, Aged About 23 Years, Resident Of Chhabo Ki Dhaniya, Baori, District Jodhpur.
26. Pramila D/o Deepa Ram, Aged About 23 Years, Resident Of Village Chandaliya, Post Ghewara, Tehsil Tinwari, District Jodhpur.
27. Kinjal Kharadi D/o Hari Shankar Kharadi, Aged About 23 Years, Resident Of Ward No.5, Nawa Ghara, Vikas Nagar, District Dungarpur.
28. Jagdish Chandra S/o Deepa Ram, Aged About 23 Years, Resident Of Village Champasar, Tehsil Ghantiyali, District Jodhpur.
29. Vishnu Vishnoi S/o Rooparam Vishnoi, Aged About 22 Years, Resident Of Bhaduo Ki Dhaniya, Village Rasida, District Jodhpur.
30. Seema Khan D/o Bundu Khan, Aged About 23 Years, Resident Of Raniwara Kallan, Raniwara, District Jalore.
31. Pooja Vaishnav D/o Nan Kishor Vaishnav, Aged About 22 Years, Resident Of Village Borunda, Tehsil Pipar, District Jodhpur.
32. Lalita Khokhar D/o Aidan Ram, Aged About 22 Years, Resident Of Khinvtana, Nagawi, Dotina, District Jodhpur.
33. Suman Patel D/o Lekhu Ram Patel, Aged About 23 Years, Resident Of Santoohpura Masuirya, Pal Road, Jodhpur.
34. Urmila D/o Shankar Lal, Aged About 23 Years, Resident Of Lolo Ki Dhani, Khabra Kalan, Tehsil Osian, District Jodhpur.
35. Jhumar Ram S/o Anda Ram, Aged About 25 Years, Resident Of Shree Krishna Nagar, Aau, District Jodhpur.
36. Neetu Mehra D/o Hanuman Ram, Aged About 23 Years,





Resident Of Salwa Kallan, Banar, District Jodhpur.

37. Pushpa D/o Dhokal Ram, Aged About 22 Years, Resident Of Hardhani, Tehsil Baori, District Jodhpur.
38. Deekshith Rathore S/o Mangi Lal, Aged About 24 Years, Resident Of Bera Jhalra, Binjwadiya Road, Bilara, District Jodhpur.
39. Purnima Choudhary D/o Goma Ram, Aged About 22 Years, Resident Of Rajadund Road, Garniya, District Pali.
40. Dimple D/o Mala Ram, Aged About 23 Years, Resident Of Jalkha, Post Silari, Pipar City, District Jodhpur.
41. Mamta D/o Chaina Ram, Aged About 22 Years, Resident Of Ravo Ka Bass, Bara Kallan, Tehsil Pipar City, District Jodhpur.
42. Bhawna D/o Puka Ram Choudhary, Aged About 22 Years, Resident Of Anganwa, Mandor, Post Surpura, Jodhpur.
43. Chanchal Chhaba D/o Sunil Chhaba, Aged About 23 Years, Resident Of Choudhary Colony, Subdand, District Nagaur.
44. Bhanu Priya Tak D/o Chawar Lal Tak, Aged About 23 Years, Resident Of New Nagour Road, Chainpura, Mandor, Jodhpur.
45. Maya Kumari Dendor D/o Mavji Dendor, Aged About 22 Years, Resident Of Parda Dariyati, Tehsil Chikhali, District Dungarpur.
46. Rekha Pargi D/o Mani Lal Pargi, Aged About 22 Years, Resident Of Daman Urf Danala Post Chittri, Tehsil Galyalcot, District Dungarpur.
47. Anita Jat D/o Rakesh Kumar Jat, Aged About 22 Years, Resident Of Utarada Mohalla Ward No.24 Ramgarh Ramgarh (Rural) Sikar
48. Seema D/o Sant Singh, Aged About 22 Years, Resident Of Kirtan, Bawar, District Churu.
49. Rekha D/o Rajendra Kumar, Aged About 22 Years, Resident Of Mahpalwas, District Jhunjhunu.
50. Suman D/o Rambaksha, Aged About 23 Years, Resident Of Basni Seja, Tehsil Merta City, District Nagaur.
51. Dharm Veer Singh S/o Narpat Singh, Aged About 23 Years, Resident Of Rajputo Ka Was, Telwara, District Barmer.
52. Manju D/o Taja Ram, Aged About 23 Years, Resident Of Siyolo Ki Dhaniya, Nadiyai Khurd, Tehsil Tinwari, District Jodhpur.
53. Kiran Acharya D/o Seva Ram, Aged About 23 Years, Resident Of Achryon Ka Bass, Gangani, District Jodhpur.
54. Sheetal Acharya D/o Narendra Kumar Acharya, Aged About 23 Years, Resident Of 114, Ramnagar Khasara No. 98, Opp. Pf Office, Behind Vijay Mariage Palace,



Nandanwan, Jodhpur.

55. Monika Prajapat D/o Ramchandra Prajapat, Aged About 24 Years, Resident Of 114, East Patel Nagar, Ganeshpura, Ratanada, Jodhpur.
56. Pooja Dudi D/o Jaisingh Dudi, Aged About 22 Years, Resident Of Dudiyo Ka Bada, Ratkuriya, District Jodhpur.
57. Jaya Songara D/o Magraj Songara, Aged About 23 Years, Resident Of K-254 Ke Samne, Indra Colony, Pratap Nagar, Jodhpur.

----Petitioners

Versus

1. State Of Rajasthan, Through Principal Secretary, Department Of Medical And Health Services, Government Secretariat, Jaipur, Rajasthan.
2. The Director, State Health And Family Welfare, Government Of Rajasthan, Jhalana Institutional Area, Jhalana Doongri, Jaipur.
3. The Addl. Director (Admn.), Medical And Health Services, Swasthya Bhawan, Rajasthan, Jaipur.
4. The Registrar, Rajasthan Nursing Council, Jaipur.
5. Principal And Controller, School Of Nursing, Mahatma Gandhi Hospital, Jodhpur
6. The Chief Medical And Health Officer, Jodhpur.

----Respondents

For Petitioner(s)	:	Mr. Hanuman Singh Choudhary
For Respondent(s)	:	Ms. Rakhi Choudhary

HON'BLE MR. JUSTICE ARUN MONGA

Order (Oral)

03/03/2025

1. Petitioners herein, *inter alia*, seek issuance of an appropriate writ, order and/or direction commanding the respondents to consider their services rendered during Covid-19 for grant of bonus marks while issuing experience certificate as provided to Covid Health Assistant (C.H.A.) for appointment on the post of Nursing Officer pursuant to the advertisement dated 05.05.2023.



2. Briefly speaking, the facts pleaded in the petition are that the services of the petitioners were utilized during the COVID-19 pandemic due to a shortage of medical staff. Despite the engagement of the petitioners, who were pursuing the GNM course, the State Government also recruited CHAs to conduct surveys and distribute medicines door to door.

2.1. The respondents issued an advertisement on 16.11.2022 for the recruitment of Nursing Officers. A writ petition, SBCWP No.18156/2022 (Ritesh Gochar vs. State of Rajasthan & Ors.), was filed at the Jaipur Bench, raising the grievance that the experience certificate was not issued in the prescribed format. As a result, the petitioners were unable to upload their experience certificates while submitting their application forms for the Nursing Officer/Pharmacist posts pursuant to the advertisement dated 16.11.2022.

2.2. The writ petition was disposed of by an order dated 01.02.2023, with the direction that the respondents would resolve the issue of granting bonus marks to the C.H.A. who provided their services during the pandemic, in accordance with the order/circular dated 03.05.2021.

2.3. In light of the order/circular dated 03.05.2021 issued by the Government of India and the direction given by this Court at the Jaipur Bench in its order dated 01.02.2023, the respondents reviewed the case of C.H.A. and deemed them eligible for bonus marks in the regular recruitment for the post of Nurse Gr.-II. Consequently, the respondents withdrew the earlier advertisement dated 16.11.2022.



2.4. The respondent department, by order dated 25.04.2023, granted bonus marks to aspirants who provided medical services during the critical Covid-19 period from 22.03.2020 to 13.02.2022. According to the order, 15 bonus marks were awarded to those who rendered services for up to two years during the Covid-19 period. Additionally, the respondent medical department issued guidelines for the issuance of experience certificates for medical and paramedical services in 2023.

2.5. The respondents issued a detailed advertisement for the Nursing Officer position on 05.05.2023, in which they considered the candidature of C.H.A. who rendered services during the Covid-19 period for the purpose of awarding bonus marks. However, in the case of the petitioners, the respondents are not considering their candidature for bonus marks as a C.H.A. Hence, this petition.

3. The stand taken by the respondents in the reply is that the post of C.H.A., for which the petitioners have claimed parity based on the nature of work and duties, requires the qualification of having completed a GNM course and being registered with the Rajasthan Nursing Council. However, at the relevant time, the petitioners were still undergoing the course and did not possess the requisite professional qualification.

3.1. According to the office order dated 25.04.2023, which outlines the eligibility criteria for granting bonus marks, the petitioners do not meet the requirements to claim the bonus marks. The petitioners were neither engaged on a contract basis nor on a temporary basis, and therefore, do not fall under the definition of 'Karmik,' who are entitled to receive bonus marks.



3.2. The statutory enabling provisions of extending the benefit of bonus marks is found in Rule 19 of the Rules of 1965, which clearly indicates that it is within the exclusive domain of the State Government to set the criteria for granting bonus marks, as well as the conditions for the validity of the experience certificate upon which the benefit of such experience is based. In the absence of any challenge to this Rule before the appropriate forum, the writ petition is not maintainable.

4. In the aforesaid backdrop, I have heard learned counsel for the parties and perused the case file.

5. Before adverting to the merits of the claim of petitioners, pertinent it is to observe at the very threshold that conceded position as per the case pleaded in affirmative by the petitioners is that they are seeking benefit of their having interned during the Covid period in the health sector while they were pursuing their diploma in GNM.

6. On a pointed query to the counsel for the petitioners as to whether the diploma can be awarded without completion of the internship, the answer is in negative. Being so, it thus emerges that internship is an integral part of the academic curriculum for the diploma in question and the same cannot therefore be termed as an employment but rather is continuation of the studenthood. On that ground alone petitioners are not entitled to seek benefit of any bonus marks claiming that they were under employment and/or had worked as health workers, the writ petition is liable to be dismissed.

7. Aside above, my attention has been drawn to a judgment dated 23.01.2023 rendered in the case of **Pramila & Ors. vs.**



State of Rajasthan & Ors. : S.B. Civil Writ Petition No. 14794/2022 by a co-ordinate Bench of this Court, wherein, similar controversy has already been put to rest by dismissing the claim of similarly situated counterparts of the petitioners.

8. I am in respectful agreement with a view taken by my learned brother in the aforesaid judgment. The same is not being reproduced for sake of brevity.

9. Dismissed accordingly.

10. Pending application, if any, stand disposed of.

(ARUN MONGA),J

46-AK Chouhan/-

Whether fit for reporting : Yes / No