



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



S.B. Civil Writ Petition No. 9205/2013

1. Surendra Kumar Gupta S/o Shri Ramesh Chand aged about 29 years, R/o 56, Rajnagar, Man Town, Dist. Sawai Madhopur (Raj.)
2. Anupam Gautam S/o Madan Lal gautam, aged 32 years, r/o Bajaria, Dist. Sawai Madhopur.
3. Kamlesh Kumar Saini S/o Ganga Lal Saini, aged 27 years, R/o Bagdoli, Tehsil Bonli, Dist. Sawai Madhopur (Raj.)
4. Ram Prasaad Mali S/o Kanhaiya Lal, aged 35 years, R/o Bajrang Vihar, O.K. Road, Bonli, District Sawai Madhopur (Raj.)
5. Rajnish Gupta S/o Om Prakash, aged 34 years, R/o Gangapur City, Dist. Sawai Madhopur.
6. Surendra Kumar Sharma S/o Babulal, aged 29 years years, R/o Village & Post Kema, Tehsil Nadoti, Dist. Karoli (Raj.)
7. Ashish Kumar S/o Purushottamlal, aged 28 years, R/o Gangapur City, Dist. Sawai Madhopur (Raj.)

-----Petitioners

Versus

1. State of Rajasthan through the Principal Secretary, Department of Medical & Health, Rajasthan, Secretariat Building, Jaipur (Raj.)
2. Additional Director (Administration), Medical & Health Services, Swasthya Bhawan, Tilak Marg, Jaipur (Raj.)
3. Director, National Rural & Health Mission, Rajasthan Jaipur.
4. Chief Medical & Health Officer, Sawai Madhopur (Raj.)

-----Respondents

For Petitioner(s)	:	Mr. Vijay Laxmi Gauttam with Mr. Anuk Ram Singh
For Respondent(s)	:	Mr. Prakhar Jain

HON'BLE MR. JUSTICE ANAND SHARMA
Order

18/09/2025

1. In the present writ petition, the petitioners have sought direction against the respondents to grant bonus marks to the petitioners as per their experience certificates issued by



respondent No.4 by granting benefit of para 8 of the advertisement. It is stated that one advertisement dated 26.02.2013 was issued by the Director of Medical & Health Service Rajasthan whereby applications were invited from all eligible persons against the vacancies of Nurse Grade-II, Public Health Nurse and Women Health Worker. The petitioners being eligible submitted application forms for participating in the recruitment process of Nurse Grade-II.

2. It is further stated that as per criteria mentioned in the advertisement, selection was to be made on the basis of merit which was to be assessed on the basis of 70 % marks obtained by the respective candidate in the professional qualification as prescribed, after adding the bonus marks (maximum 30) to be granted on the basis of experience acquired by the candidates for carrying out similar work for which recruitment was being done.

3. Learned counsel appearing for the petitioners submits that Petitioner No.5 possesses one experience certificate dated 28.03.2013 issued by the Chief Medical and Health Officer, Sawai Madhopur certifying that Petitioner No.5 had worked on the post of Vexinator in NRHM Scheme from 12.10.2009 to 28.02.2013 i.e. for total period of two years and nine days. Learned counsel for the petitioners further submits that on the basis of aforesaid experience, Petitioner No.5 was entitled for 20 marks yet, the same has not been granted to Petitioner No.5 and thereby, the petitioners have been deprived of their right to get appointment pursuant to aforesaid advertisement. Other petitioners have not enclosed any certificate whatsoever in order to support their claim of Bonus.



4. Learned counsel appearing for the respondents seriously opposed the writ petition and stated that the criteria for granting bonus marks has been wrongly interpreted by the petitioners as the bonus marks were required to be given for conducting similar work as required for the advertised post. It was further emphasised that post of Vexinator and post of Nurse Grade-II are altogether different posts under the Rajasthan Medical and Health Subordinate Service Rules, 1965 (hereinafter to be referred as 'the Rules of 1965') and their job responsibilities are also altogether different. Hence, candidates only on account of having experience on the post of Vexinator, cannot claim bonus marks for recruitment on the post of Nurse Grade-II. The work carried out by the petitioner No.5 on the post of Vexinator cannot be said to be similar to that of the post of Nurse Grade-II. Hence, the respondents have rightly not considered the experience certificates submitted by the petitioners for the purpose of grant of bonus marks.

5. I have perused the record and considered the submissions made by learned counsel for the parties.

6. Terms and conditions of the advertisement dated 26.02.2013 are quite clear. Although, there was provision for granting bonus marks for possessing experience of working in any of the project/scheme of State Government, yet such criteria for granting bonus marks is not unlimited and is confined only in respect of work, which is of 'similar nature' to the work required to be conducted for the advertised post. In the instant case, the petitioner No.5 has admittedly worked on another post of Vexinator which is altogether different post having different job



responsibilities and nature of work. Therefore, under these circumstances, the petitioner No.5 was not entitled for claiming bonus marks only on account of experience acquired by them on the post of Vexinator. Since other petitioners have not submitted any experience certificate, hence, they are also not entitled for any relief.

7. Learned counsel for the petitioners has relied upon the judgment of Division Bench of this Court in the case of **State of Rajasthan Vs. Upama Pareek (D.B. Special Appeal (Writ) No. 63/2022)** decided on 12.03.2025. However, meticulous reading of the aforesaid judgment would reveal that, it has been observed by Division Bench that bonus marks can be given under Rule 19 Clause (7) of the Rules of 1965 towards any work which is done under the employment of State Government, that is of 'similar nature'.

8. In the instant case, where the petitioners have not rendered 'similar nature' of work to that of the post of Nurse Grade- II, no benefit can be derived by the petitioners from the aforesaid judgment of **Upama Pareek (supra)**. Even otherwise, while exercising jurisdiction under Article 226 of the Constitution of India, this Court has extremely limited jurisdiction and cannot carry out work of equivalence with regard to similarity of work rendered for different posts and no material whatsoever has been placed on record by the petitioners to show that job responsibilities of Nurse Grade-II and that of Vexinator are similar.

9. In the light of above, no case is made out to interfere in the impugned action of the respondents.



10. Hence, the writ petition filed by the petitioners is, hereby dismissed.

(ANAND SHARMA),J



NEERU/49