

राजस्थान सरकार

निदेशालय, चिकित्सा एवं स्वास्थ्य सेवायें, राजस्थान जयपुर

क्रमांक: ई-20/म.स्वा.का./ (एस-543)/2011/

दिनांक:

समस्त मुख्य चिकित्सा एवं स्वास्थ्य अधिकारी,  
राजस्थान।

विषय:- महिला स्वास्थ्य कार्यकर्ता (नियमित) के पद पर नियुक्ति बाबत।

संदर्भ:- निदेशालय के आदेश क्रमांक ई-20/म.स्वा.का./ (सी-263)/2011/1253  
दिनांक 01.09.2011 के क्रम में।

उपरोक्त विषयान्तर्गत निदेशालय के संदर्भित आदेश के द्वारा 1653 महिला स्वास्थ्य कार्यकर्ताओं (नियमित) के पदों पर नियुक्तियां की गई थी, जिसके संबंध में एस. बी. सिविल रिट पिटिशन संख्या 12172/2011 शिव कुमारी बनाम सरकार व अन्य के प्रकरण में माननीय उच्च न्यायालय, जयपुर ने निर्णय दिनांक 12.09.2011 के द्वारा निम्नानुसार आदेशित किया है:- (प्राति खलान)

"Grievance of the petitioner is that as against 1131 posts advertised, respondent are filling up 1652 posts pursuant to order dated 01.09.2011 at Annexure-5. Respondents cannot fill up posts more than what has been advertised unless requisition is sent by the government for increase of posts.

Looking to the aforesaid, issue notice, returnable within three weeks. Notices may be given 'dasti', as prayed. In the meanwhile, any appointment made in excess to 1131 posts shall remain subject to final outcome of this writ petition. It may be made clear in the appointment order itself that final right will not accrue to those candidates who are above 1131 posts but aforesaid would be in order of each category."

अतः निदेशालय के संदर्भित आदेश के द्वारा आपके अधीन जिले में नियुक्त महिला स्वास्थ्य कार्यकर्ताओं, जिन्होंने कार्यग्रहण कर लिया है अथवा जिनके द्वारा कार्यग्रहण किया जाना है, उन्हें माननीय उच्च न्यायालय, जयपुर के उक्त निर्णय से तुरन्त अवगत करावें तथा उक्त निर्णय की प्रति भी इन अभ्यर्थियों को भिजवावें। यह नियुक्तियां एस. बी. सिविल रिट पिटिशन संख्या 12172/2011 शिव कुमारी बनाम सरकार व अन्य के प्रकरण में माननीय उच्च न्यायालय, जयपुर द्वारा पारित अंतिम निर्णय के अध्याधीन रहेगी।

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अतिरिक्त निदेशक (प्रशासन)  
चिकित्सा एवं स्वास्थ्य सेवायें  
राजस्थान जयपुर

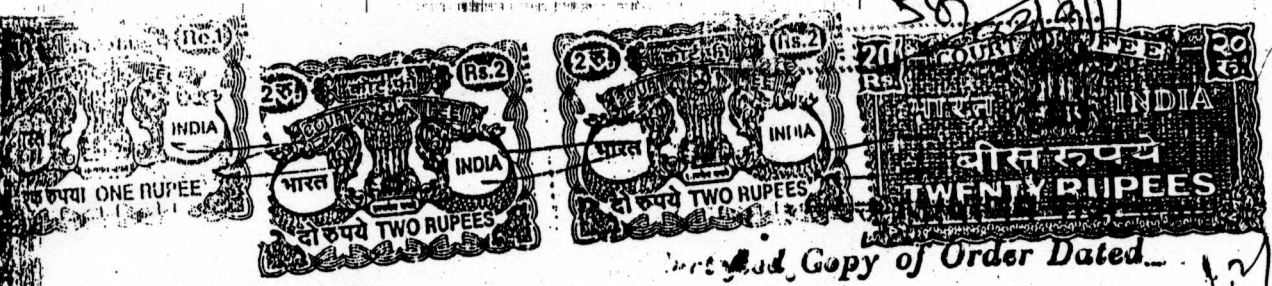
क्रमांक: ई-20/म.स्वा.का./ (एस-543)/2011/1412  
प्रतिलिपि सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित है:-

दिनांक: 27/9/2011

1. निदेशक (जन स्वास्थ्य), चिकित्सा एवं स्वास्थ्य सेवायें, राजस्थान जयपुर।
2. उप विधि परामर्शी, मुख्यालय।
3. समस्त संयुक्त निदेशक, चिकित्सा एवं स्वास्थ्य सेवायें, जोन राजस्थान।

प्रभारी सचिव रम

अतिरिक्त निदेशक (प्रशासन)  
चिकित्सा एवं स्वास्थ्य सेवायें  
राजस्थान जयपुर



... Copy of Order Dated...

N-6987  
23.9.11

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN  
JAIPUR BENCH AT JAIPUR

26744  
81911 S.B. CIVIL WRIT PETITION NO. 12172/2011

Shiv Kumari D/o Shri Mangi Lal aged about 41 years resident of  
Chilara, Tehsil Nagaur Distt. Nagaur (Raj.) (Raj.)

...Petitioner

Versus

State of Rajasthan through Principal Secretary, Medical &  
Health Department, Govt. Secretariate, Jaipur

2. The Director, Medical & Health Services, Rajasthan, Swasthya  
Bhawan, Tilak Marg, C-Scheme, Jaipur

3. The Addl. Director (Admn.), Medical & Health Services,  
Rajasthan, Swasthya Bhawan, Tilak Marg, C-Scheme, Jaipur

....Respondent

1661  
21911  
Addl. DMHS (Admn.)  
21911

NO. 222/2011  
22 SEP 2011  
ADDL. DMHS (ADM.)

*Put up by...*

222/2011  
23/9/11

S.B. WRIT PETITION UNDER ARTICLE 226 OF THE  
CONSTITUTION OF INDIA  
AND

IN THE MATTER OF ARTICLE 14, 16 AND 21 OF THE  
CONSTITUTION OF INDIA

AND

IN THE MATTER OF ADVERTISEMENT NO. E-20/MA-SWA-  
KA/(C-263)/2010/313 DATED 23.02.10 FOR THE POST OF  
MAHILA SWASTHYA KARKARTA (REGULAR) (TOTAL 1131  
POSTS)

AND

IN THE MATTER OF RAJASTHAN MEDICAL & HEALTH SUB-  
ORDINATE SERVICES RULES, 1965

AND

IN THE MATTER OF SELECTIONS AND APPOINTMENTS ON  
MORE THAN THE ADVERTISED POST I.E. 1653 INSTEAD OF  
THE ADVERTISED POST OF TOTAL NUMBER 1131

AND

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JAI COM... JAI P...  
JAI COM... JAI P...

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IN THE MATTER OF "RECRUITMENT OF THE CANDIDATES IN  
EXCESS OF THE NOTIFIED VACANCY IS A DENIAL AND  
DEPRIVATION OF THE CONSTITUTIONAL RIGHT UNDER  
ARTICLE 14 READ WITH ARTICLE 16(1) OF THE CONSTITUTION  
OF INDIA OF THOSE PERSONS WHO ACQUIRED ELIGIBILITY  
FOR THE POST IN QUESTION SUBSEQUENT TO THE DATE OF  
NOTIFICATION OF VACANCY" AS HELD BY THE HON'BLE  
SUPREME COURT IN CATENA OF JUDGEMENTS

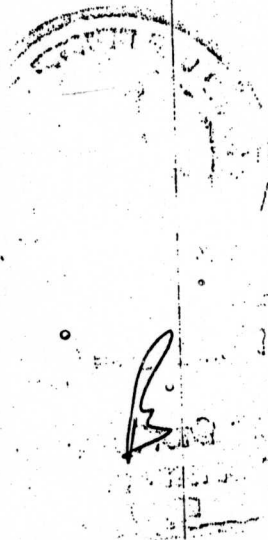
AND

IN THE MATTER OF JUDGEMENT IN CASE OF RAKHI RAY &  
ORS. VS. THE HIGH COURT OF DELHI & ORS. REPORTED IN  
A.I.R. 2010 S.C. 932

AND

IN THE MATTER OF PRINCIPLE OF NATURAL JUSTICE

To,



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IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN

JAIPUR BENCH, JAIPUR

ORDER

SB Civil Writ Petition No. 12172/2011

12.9.2011


HON'BLE MR. JUSTICE MN BHANDARI

Mr Tanveer Ahmed - for the petitioner


BY THE COURT:

Grievance of the petitioner is that as against 1131 posts advertised, respondents are filling up 1652 posts pursuant to order dated 1.9.2011 at Annexure-5. Respondents cannot fill up posts more than what has been advertised unless requisition is sent by the government for increase of posts.

Looking to the aforesaid, issue notice, returnable within three weeks. Notices may be given 'dasti', as prayed. In the meanwhile, any appointment made in excess to 1131 posts shall remain subject to final outcome of this writ petition. It may be made clear in the appointment order itself that final right will not accrue to those candidates who are above 1131 posts but aforesaid would be in order of each category.

  
(MN BHANDARI), J.

bnsharma

  
12/9/2011