RAJASTHAN HIGH COURT
सत्यमेव जयते

HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR

D.B. Civil Writ Petition No. 18813/2026
CNR: RJHC010799412026 | URN: CW / 32401U / 2026

Rajasthan High Court
सत्यमेव जयते
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1. Hemant Kumar Choubisa S/o Shri Amba Lal Choubisa, Aged About 40 Years, R/o Brahmano Ka Mohalla, Ajbara Sarada, District Salumber. At Present Working At Chc Phc Jawad, Block Jaisamand, District Salumber.
2. Lokesh Kumar Tailor S/o Shri Mohan Lal Tailor, Aged About 38 Years, R/o Village Bana Khurd, Tehsil Sarada, District Salumber. At Present Working At Phc Badgaon, Block Jaisamand, District Salumber.
3. Babulal Meena S/o Shri Magan Lal Ji, Aged About 51 Years, R/o Village Budhar, Tehsil Rishabhdeo, District Udaipur. At Present Working At Chc Parsad, Block Sarada, District Salumber.
4. Mohit Mehta S/o Shri Yashwant Lal Mehta, Aged About 37 Years, R/o Vpo Semari, Tehsil Semari, District Salumber. At Present Working At Chc Semari, Block Semari, District Salumber.
5. Ravi Sharma S/o Shri Champalal Sharma, Aged About 42 Years, R/o Vpo Badgaon, Tehsil Badgaon, District Udaipur. At Present Working At Govt. Satellite Hospital, Badgaon, District Udaipur.
6. Dhiraj Paliwal S/o Shri Lalit Paliwal, Aged About 37 Years, R/o 165, Shri Nagar Colony, Rampura, District Udaipur. At Present Working At Uphc, Picholi, District Udaipur.
7. Deepak Kalal S/o Shri Raman Lal, Aged About 38 Years, R/o Vpo Navagaon, District Banswara. At Present Working At Phc Mor, Block Partapur, District Banswara.

----Petitioners

Versus

1. State Of Rajasthan, Through The Principal Secretary To Government, Medical And Health And Family Welfare And Panchayati Raj (Medical And Health) Department, , Secretariat, Jaipur, Rajasthan.
2. Principal Secretary, Department Of Finance, Government Of Rajasthan, Secretariate, Jaipur, Rajasthan.
3. Principal Secretary, Department Of Personnel, Government Of Rajasthan, Secretariat, Jaipur, Rajasthan.

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4. Director Health Services, Medical And Health Services, Medical And Health Department, Swasthya Bhawan, Tilak Marg, C-Scheme, Jaipur, Rajasthan.

5. Personal Assistant, Mission Director, Nhm, Headquarters, Jaipur And Personal Assistant, Chief Executive Officer, State Health Assurance Agency, Jaipur.

----Respondents

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Connected With

D.B. Civil Writ Petition No. 20406/2026

CNR: RJHC010856222026 | URN: CW / 34710U / 2026

Mahaveer Prasad Pancholi S/o Shri Badri Lal Pancholi, Aged About 47 Years, R/o Jawasiya, Kundiya, Tehsil Railmagra, District Rajsamand, Rajasthan.

----Petitioner

Versus

1. State Of Rajasthan, Through The Principal Secretary, Department Of Personnel, Government Of Rajasthan, Secretariat, Jaipur.

2. Secretary, Department Of Personnel, Government Of Rajasthan, Secretariat, Jaipur.

3. Joint Secretary, Department Of Personnel, Government Of Rajasthan, Secretariat, Jaipur.

4. Principal Secretary, Department Of Finance, Government Of Rajasthan, Secretariat, Jaipur.

5. Additional Chief Secretary, Department Of Medical And Science, Government Of Rajasthan, Secretariat, State Of Rajasthan, Jaipur.

6. Mission Director, Nhm And Secretary To The Government, Medical, Health And Family Welfare Department, Directorate, National Health Mission Head Quarter, Swasthya Bhawan, C Scheme, Tilak Marg, Jaipur.

7. Director (Public Health), Directorate, Medical And Health Department, National Health Mission Head Quarter, Swasthya Bhawan, C Scheme, Tilak Marg, Jaipur.

8. State Tuberculosis Officer, Medical And Health Department, Room No. 13, New Building Swasthya Bhawan, Directorate Of Medical And Health Services, Tilak Marg, C Scheme, Jaipur.

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----Respondents

For Petitioner(s)	:	Dr. Nikhil Jain
For Respondent(s)	:	Mr. Anirudh Singh Shekhawat for Mr. Rajendra Prasad, AG Mr. Harshwardhan Singh for Mr. Mahaveer Bishnoi, AAG Mr. Rakesh Sharma for Mr. Rajesh Panwar, AAG

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HON'BLE MR. JUSTICE VINIT KUMAR MATHUR
HON'BLE MR. JUSTICE SANDEEP SHAH

Order

20/11/2026

D.B. Civil Writ Petition No. 18813/2026:-

Heard learned counsel for the parties.

Respondents are already represented by their counsel, therefore, service is complete.

In the present case, the validity of Rule 3 of the Rajasthan Contractual Hiring to Civil Posts Rules, 2022 (hereinafter referred to as 'the Rules of 2022') to the extent, it imposes the condition that the "*Provided that the incumbent must have been selected through public advertisement*" is prayed to be declared ultra vires.

Learned counsel for the petitioners very fairly submits that he is aggrieved by only the aforesaid portion of the Rule 3 of the Rules of 2022 and, therefore, he is assailing the validity of that Rule to that extent only.

This Court vide order dated 06.08.2026, in para No.7, has restrained the State from filling up the posts through the Rules of 2022 till further orders.

Meaning thereby, the effect and operation of the entire Rules of 2022 has been stayed.

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Learned counsel very fairly submits that he never prayed for staying the entire operation of the Rules of 2022.

It is a settled proposition of law that unless the Rule is declared ultra vires, mandate of the Rule is required to be given effect to by the State Government.

In view of the above, we modify the interim order granted by this Court on 06.08.2026 to the extent that the Paragraph No.7 of the order dated 06.08.2026 is deleted/stands vacated.

However, it is made clear that the direction issued in paragraph No.8 of the order dated 06.08.2026 shall continue to operate against the State.

Learned counsel for the respondents prays for and is granted four weeks time to file detailed reply to the writ petition.

Time prayed for is allowed.

List the matter on 18.12.2026.

D.B. Civil Writ Petition No. 20406/2026:-

This Court vide order dated 24.08.2026 while quoting the order dated 06.08.2026 passed in **D.B. Civil Writ Petition No. 18813/2026** has passed interim order in this matter also.

In view of the order passed in **D.B. Civil Writ Petition No. 18813/2026,** today itself, we modify the interim order granted by this Court in the present matter too and it is clarified that the respondent-State shall not be restrained from filling up the posts through the Rajasthan Contractual Hiring to Civil Posts Rules, 2022 till further orders.

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However, it is made clear that the direction issued in paragraph No.4 of the order dated 24.08.2026 shall continue to operate against the State.

List the matter alongwith D.B. Civil Writ Petition No. 18813/2026.

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(SANDEEP SHAH),J **(VINIT KUMAR MATHUR),J**

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