



[2024:RJ-JD:36505]

[2024:RJ-JD:38209]

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[CW-17062/2023]

[CW-17208/2023]

[CW-9283/2024]

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

S.B. Civil Writ Petition No. 17062/2023

1. Akshay Kumar Vaishnav S/o Ramgopal Vaishnav, Aged About 31 Years, Village Barni, Post Antali, Tehsil Hurda, District Bhilwara (Raj.).
2. Arjun Puri S/o Ladu Puri, Aged About 34 Years, Village/post Khudi Pawa, Tehsil Deedwana, District Nagaur (Raj.).
3. Rahul Patidar S/o Rajendra Patidar, Aged About 26 Years, Village Anwali Kallan, Tehsil Pach Pahad, District Jhalawar (Raj.).
4. Suresh Chand Lohar S/o Bajranglal Lohar, Aged About 36 Years, Village Kalera Krishna Gopal, Tehsil Kekri, District Ajmer (Raj.).
5. Puja D/o Baidyanath, Aged About 28 Years, Village/post Kohrana, Tehsil Behrod, District Alwar (Raj.).
6. Nikhat Parveen D/o Saleem Mohammad Ansari, Aged About 30 Years, Behind Govt. Hospital, Todaraisingh, Tehsil Todaraisingh, District Tonk (Raj.).
7. Arun Khokhar S/o Nopa Ram, Aged About 37 Years, Khokharo Ka Bas, Sudrasan, Deedwana, District Nagaur (Raj.).
8. Abhishek Sharma S/o Om Prakash Sharma, Aged About 29 Years, C-7, Maruti Nagar, Ramganj Mandi, District Kota (Raj.).
9. Rakesh Kumar S/o Prem Narayan, Aged About 35 Years, Village Motipura, Chandipur, Tehsil Manohar Thana, District Jhalawar (Raj.).
10. Maina Kumari Meena D/o Jagdish Meena, Aged About 32 Years, Kali Ghati, Tokar, Tehsil Salumbar, District Udaipur (Raj.).
11. Ashok Jangid S/o Amar Chand, Aged About 33 Years, Village Lampolai, Tehsil Riyan Badi, District Nagaur (Raj.).
12. Sheela Meena D/o Amrit Lal Meena, Aged About 38 Years, Village/ Post Pal Galandar, Tehsil Bichhiwara, District Dungarpur (Raj.).
13. Dinesh Kumar Amaliya S/o Gatulal Amaliya, Aged About 30 Years, Village Rangela, Post Geji, Via Vikas Nagar, District Dungarpur (Raj.).
14. Pratibha Meena D/o Chandulal Meena, Aged About 28





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Years, Naya Talab, Post Hathai, District Dungarpur (Raj.).

15. Sanwar Mal Sharma S/o Laxmi Lal Sharma, Aged About 30 Years, Village/post Dhuwala, Tehsil Mandal, District Bhilwara (Raj.).
16. Rekha Kumari D/o Ramchandra, Aged About 34 Years, Village/post Panchya Khedi, Shrichhatarpur, Tehsil Pachpahar, District Jhalawar (Raj.).
17. Urmila Nanoma D/o Chandraveer Nanoma, Aged About 26 Years, Village Jhanjhari, Post Jorawarpura, Tehsil Simalwara, District Dungarpur (Raj.).
18. Rampyari Mali D/o Kishan Lal Mali, Aged About 29 Years, Village Mataji Ka Kheda, Post Jagpura, Tehsil Badnor, District Bhilwara (Raj.).
19. Nisha Khant D/o Mangla Khant, Aged About 26 Years, Village/post Rati Ka Fala, Peeth, Tehsil Simalwara, District Dungarpur (Raj.).
20. Seema Saini D/o Ganesh Lal, Aged About 30 Years, Village/post Shiwad, Tehsil Chhoth Ka Bakhara, District Sawai Madhopur (Raj.).
21. Sapana Prajapat D/o Durga Lal Kumhar, Aged About 34 Years, Sadar Bazar, Saradhana, District Ajmer (Raj.).
22. Sheela Jangid D/o Mahavir Prasad Jangid, Aged About 33 Years, Gopalpura, Tehsil Kekri, District Ajmer (Raj.).
23. Madhu Shree Nagar D/o Prahlad Nagar, Aged About 33 Years, Village/post Soomar, Tehsil Khanpur, District Jhalawar (Raj.).
24. Mamta Lavvanshi D/o Tejmal, Aged About 32 Years, Village Ganeshpura, Post Shorti, Tehsil Manohar Thana, District Jhalawar (Raj.).
25. Bahadur Singh Anjana S/o Mangi Lal Anjana, Aged About 38 Years, Bhilo Ka Mohalla, Alawa, Ganeshpura, Tehsil Pachpahad, District Jhalawar (Raj.).
26. Surendra Kumar Khatik S/o Ladu Lal Khatik, Aged About 34 Years, Village/post Sadas, Tehsil Gangrar, District Chittorgarh (Raj.).
27. Sharmila Sharma D/o Rajesh Kumar Sharma, Aged About 27 Years, Ward No.10, Near Jain Mandir, Rashmi, District Chittorgarh (Raj.).
28. Lalit Kumar Khatik S/o Sobhag Mal Khatik, Aged About 39 Years, Village/post Mangrol, Tehsil Nimbahera, District Chittorgarh (Raj.).





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29. Suresh Chandra Regar S/o Kallu Lal Regar, Aged About 35 Years, Regar Mohalla, Chechi, District Chittorgarh (Raj.).
30. Asha Kanwar Panwar D/o Jagdish Prasad Panwar, Aged About 31 Years, Village/post Gudha Ramdas, Bagadwa, Tehsil Peeplu, District Tonk (Raj.).
31. Vikram Singh Maida S/o Shambhu Lal Maida, Aged About 29 Years, Village/post Pipalada, Parthipura, Tehsil Pipalkhunt, District Pratapgarh (Raj.).
32. Deepika Vaishnav D/o Dashrath Kumar Vaishnav, Aged About 23 Years, Village/post Mandal, Near Bada Mandir, Tehsil Mandal, District Bhilwara (Raj.).
33. Sumitra Varma D/o Chaturbhuj Varma, Aged About 31 Years, Village/post Gadh Rawla, Motras, Tehsil Badnor, District Bhilwara (Raj.).
34. Vijayraj Sen S/o Bhanwar Lal Sen, Aged About 38 Years, Navdurga Colony, Village Sogalpur, District Ajmer (Raj.).
35. Tejmal Jeengar S/o Hemraj Jeengar, Aged About 31 Years, Sangram Garh, Tehsil Badnor, District Bhilwara (Raj.).
36. Kamlesh Sanwariya S/o Laxmi Lal Sanwariya, Aged About 36 Years, Village Jeewar, Sadar Chowk, Post Jagpura, Tehsil Badnor, District Bhilwara (Raj.).
37. Sheevangi Kumari D/o Manmohan, Aged About 29 Years, Village/post Garampura, Lakheri, Tehsil Indragarh, District Bundi (Raj.).
38. Reena Khardiya D/o Basti Ram, Aged About 29 Years, Village/ Post Banthadi, Tehsil Deedwana, District Nagaur (Raj.).
39. Anita Kumari D/o Nanji Ram, Aged About 29 Years, Village/post Gaang, District Jalore (Raj.).
40. Rajesh Gajan S/o Jayanti Lal Gajan, Aged About 34 Years, Village Badgaon, Patwar Gali, Tehsil Raniwara, District Jalore (Raj.).
41. Shankar Lal Damor S/o Mani Lal Damor, Aged About 38 Years, Village Jeewar, Tehsil Girwa, District Jalore (Raj.).
42. Ajeet Meghwal S/o Heera Lal Meghwal, Aged About 31 Years, Village Gurel, Gudal, Tehsil Salumbar, District Udaipur (Raj.).
43. Laxmi Lal Meghwal S/o Amba Lal Meghwal, Aged About 35 Years, Village Jogidasji Ka Guda, Post Jemli, Tehsil Sayra, District Udaipur (Raj.).
44. Kapil Pancholi S/o Ramesh Chandra Pancholi, Aged About





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27 Years, Village Semari, Tehsil Sarada, District Udaipur (Raj.).

45. Khushbu Meghwal D/o Ram Lal Meghwal, Aged About 30 Years, Village Jogidasji Ka Guda, Post Jemli, Tehsil Sayra, District Udaipur (Raj.).

----Petitioners

Versus

1. State Of Rajasthan, Through Its Chief Secretary, Government Of Rajasthan, Jaipur.
2. The Principal Secretary, Ayurved And Indian Medicine Department, Secretariat, Jaipur
3. Joint Secretary, Ayurved, Yoga And Naturopathy Medicine, Unani, Siddha And Homeopathy (Ayush) Department, Secretariat, Jaipur.
4. The Director, Ayurved Department, Ashok Marg, Lohagal Road, Savitri College Circle, Ajmer.
5. The Mission Director, National Health Mission, Govt. Of Rajasthan, Jaipur.
6. The Mission Director, National Ayush Mission, Ayush Bhawan, Govt. Of Rajasthan, Jaipur.
7. Dr. Sarvepali Radhakrishnan Rajasthan Ayurved University, Through Its Registrar, Karwar, Nagaur Road, Jodhpur (Raj.).
8. The Deputy Director, Ayurved Department, Bhilwara.
9. The Deputy Director, Ayurved Department, Nagaur.
10. The Deputy Director, Ayurved Department, Chittorgarh.
11. The Deputy Director, Ayurved Department, Jalore.
12. The Deputy Director, Ayurved Department, Dungarpur.
13. The Deputy Director, Ayurved Department, Alwar.
14. The Deputy Director, Ayurved Department, Jhalawar.
15. The Deputy Director, Ayurved Department, Ajmer.
16. The Deputy Director, Ayurved Department, Tonk.
17. The Deputy Director, Ayurved Department, Kota.
18. The Deputy Director, Ayurved Department, Bundi.
19. The Deputy Director, Ayurved Department, Sawai Madhopur.
20. The Deputy Director, Ayurved Department, Pratapgarh.
21. The Deputy Director, Ayurved Department, Udaipur.

----Respondents





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Connected With**S.B. Civil Writ Petition No. 18539/2023**

1. Virendra Tak S/o Shri Suresh Chand, Aged About 32 Years, Resident Of Village/post Manglana, Tehsil Parbatsar, District Nagaur (Raj.).
2. Deendayal S/o Shri Damodar Lal, Aged About 32 Years, Resident Of Village Bherwas, Post Bajwas, Tehsil Parbatsar, District Nagaur (Raj.).
3. Kesham Kumar Verma S/o Shri Bhoma Ram Bunkar, Aged About 39 Years, Resident Of Village Dhodhsar, Via Govindgarh, Tehsil Chomu, District Jaipur (Raj.).
4. Anil Shukla S/o Shri Kailash Chand, Aged About 31 Years, Resident Of Village/post Karana, Tehsil Narayanpur, District Alwar (Raj.).
5. Rekha Verma W/o Shri Prabhati Lal Bairwa, Aged About 31 Years, Resident Of Village Morod Kalan, Post Nawalpura, Tehsil Raini, District Alwar (Raj.).
6. Anand Lata Saini W/o Shri Lokesh Kumar Saini, Aged About 32 Years, Resident Of Village Ajabpura, Tehsil Narayanpur, District Alwar (Raj.).
7. Manisha Yadav W/o Shri Sunil Kumar, Aged About 34 Years, Resident Of Village Mosampur, Tehsil Tizara, District Alwar (Raj.).
8. Upender Singh S/o Shri Lal Singh, Aged About 34 Years, Resident Of Village/post Mandha, Tehsil Tizara, District Alwar (Raj.).
9. Pradeep Kumar Yadav S/o Shri Lahri Prasad Yadav, Aged About 27 Years, Resident Of Village/post Majra Mahaniya, Tehsil Tizara, District Alwar (Raj.).
10. Ravi Kumar Gurawa S/o Shri Kailash Chandra Gurawa, Aged About 37 Years, Resident Of Village Gudaliya, Via Badhal, Tehsil Chomu, District Jaipur (Raj.).
11. Vidhya Bharti D/o Shri Ramjilal Bairwa, Aged About 28 Years, Resident Of Village/ Post Chhaan, Tehsil Khandar, District Sawai Madhopur (Raj.).
12. Priyanka Kumari D/o Shri Bajrang Lal Yogi, Aged About 24 Years, Resident Of Village/post Khejroli, Tehsil Shahpura, District Jaipur (Raj.).
13. Archana Yogi W/o Shri Rakesh Kumar Yogi, Aged About 27 Years, Resident Of Village/post Nathusar, Tehsil Thanagaji, District Alwar (Raj.).





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14. Jagriti W/o Shri Udai Singh, Aged About 35 Years, Resident Of Village/ Post Bamboli, Tehsil Ramgarh, District Alwar (Raj.).
15. Sunita Jaldeep D/o Shri Gopal Lal Jaldeep, Aged About 30 Years, Resident Of Village / Post Ajabpura, Tehsil Thanagazi, District Alwar (Raj.).

-----Petitioners

Versus

1. State Of Rajasthan, Through Its Chief Secretary, Government Of Rajasthan, Jaipur.
2. The Principal Secretary, Ayurved And Indian Medicine Department, Secretariat, Jaipur
3. Joint Secretary, Ayurved, Yoga And Naturopathy Medicine, Unani, Siddha And Homeopathy (Ayush) Department, Secretariat, Jaipur.
4. The Director, Ayurved Department, Ashok Marg, Lohagal Road, Savitri College Circle, Ajmer.
5. The Mission Director, National Health Mission, Govt. Of Rajasthan, Jaipur.
6. The Mission Director, National Ayush Mission, Ayush Bhawan, Govt. Of Rajasthan, Jaipur.
7. Dr. Sarvepali Radhakrishnan Rajasthan Ayurved University, Through Its Registrar, Karwar, Nagaur Road, Jodhpur (Raj.).
8. The Block Chief Medical Officer, Govindgarh, District Jaipur.
9. The Block Chief Medical Officer, Nangal, District Sikar.
10. The Deputy Director, Ayurved Department, Nagaur.
11. The Deputy Director, Ayurved Department, Alwar.
12. The Deputy Director, Ayurved Department, Sawai Madhopur.
13. The Deputy Director, Ayurved Department, Sikar.

-----Respondents

S.B. Civil Writ Petition No. 9316/2024

1. Mukat Singh S/o Shiv Charan Singh, Aged About 31 Years, Village/post Moloni, Tehsil Weir, District Bharatpur (Raj.).
2. Rekha Devi D/o Samay Singh, Aged About 33 Years, Village Gurjar Basti, Post Singhara, Tehsil Bayana, District Bharatpur (Raj.).
3. Suresh S/o Karna Ram, Aged About 32 Years, Dhadhar Walo Ki Dhani, Village/ Post Dayasagar Khara, Tehsil And District Phalodi (Raj.).





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4. Geeta Panwar D/o Prem Ratan Panwar, Aged About 28 Years, 144, Malar, Near Rin Road, Tehsil And District Phalodi (Raj.).
5. Nikita Sen D/o Mahesh Kumar Sen, Aged About 30 Years, Kayasth Mohalla, Near Post Office, Old City, Kishangarh, District Ajmer (Raj.).
6. Meku Devi D/o Chhotu Ram, Aged About 29 Years, Village Kutiyasani Khurd, Po Manjhi, Tehsil Degana, District Nagaur (Raj.).
7. Pushpa Devi D/o Hari Singh, Aged About 35 Years, Village Halena, Tehsil Wair, District Bharatpur (Raj.).
8. Antima Tailor D/o Nand Kishore Tailor, Aged About 26 Years, Jain Mohalla, Hameerpur, Tehsil Todaraysingh, District Tonk (Raj.).
9. Manju Kumari Balai D/o Kishan Lal Balai, Aged About 37 Years, Village Baliyo Ka Mohalla, Mundoti, Tehsil Kishangarh Renwal, District Jaipur (Raj.).
10. Rekha Rao D/o Devi Lal Rao, Aged About 38 Years, Village/Post Arjiya, Sadar Bazar, Tehsil And District Bhilwara (Raj.).
11. Leela Laxkar D/o Jagannath Laxkar, Aged About 41 Years, Vpo Parsoli, Ganesh Chowk, Tehsil Begun, District Chittorgarh (Raj.).

----Petitioners

Versus

1. State Of Rajasthan, Through Its Chief Secretary, Government Of Rajasthan, Jaipur.
2. The Principal Secretary, Ayurved And Indian Medicine Department, Secretariat, Jaipur
3. Joint Secretary, Ayurved, Yoga And Naturopathy Medicine, Unani, Siddha And Homeopathy (Ayush) Department, Secretariat, Jaipur.
4. The Director, Ayurved Department, Ashok Marg, Lohagal Road, Savitri College Circle, Ajmer.
5. The Mission Director, National Health Mission, Govt. Of Rajasthan, Jaipur.
6. The Mission Director, National Ayush Mission, Ayush Bhawan, Govt. Of Rajasthan, Jaipur.
7. Dr. Sarvepali Radhakrishnan Rajasthan Ayurved University, Through Its Registrar, Karwar, Nagaur Road, Jodhpur (Raj.).
8. The Deputy Director, Ayurved Department, Bharatpur.
9. The Deputy Director, Ayurved Department, Jodhpur.





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10. The Deputy Director, Ayurved Department, Pali.
11. The Deputy Director, Ayurved Department, Nagaur.
12. The Deputy Director, Ayurved Department, Tonk.
13. The Deputy Director, Ayurved Department, Jaipur B Region.
14. The Deputy Director, Ayurved Department, Bhilwara.
15. The Deputy Director, Ayurved Department, Chittorgarh.

----Respondents

S.B. Civil Writ Petition No. 17208/2023

1. Ashok Kumar S/o Sh. Bhoja Ram, Aged About 32 Years, R/o Village And Post Mahadevpura, Gram Panchayat Poshal, Tehsil Chohatan, District Barmer, Rajasthan. At Present Posted At Ayush Health And Wellness Centre Hejam Ka Tall, Tehsil Chohatan, Dist. Barmer.
2. Poonama Ram S/o Sh. Patta Ram, Aged About 37 Years, R/o Village And Post Gagariya Station, Tehsil Ramsar, Dist. Barmer. At Present Posted At Ayush Health And Wellness Centre Sajjan Ka Par, Barmer, Dist. Barmer.
3. Dashrath Choudhary S/o Sh. Moola Ram Choudhary, Aged About 36 Years, R/o Village And Post Dhako Ka Talla, Sarano Ki Nadi, Dhanau, Dist. Barmer. At Present Posted At Ayush Health And Wellness Centre Dudhu, Dist. Barmer.
4. Champa Ram S/o Sh. Beejala Ram, Aged About 34 Years, R/o Village Shahdad Ka Par, Tehsil Gadara Road, Dist. Barmer. At Present Posted At Ayush Health And Wellness Centre Shahdad Ka Par, Tehsil Gadara Road, Barmer, Dist. Barmer.
5. Aslam Khan S/o Sh. Anvar Khan, Aged About 34 Years, R/o Kasbathana, Muslim Mohalaa, Chota Bajar, Kasbathana Tehsil Shahabad, Dist. Baran. At Present Posted At Ayush Health And Wellness Centre Bamangava, Dist. Baran.
6. Vimla D/o Sh. Lakha Ram, Aged About 31 Years, R/o Bhunkaron Ki Dhani, Chak Santara, Dist. Barmer. At Present Posted At Ayush Health And Wellness Centre Khokhasar, Dist. Barmer.
7. Deepa Ram S/o Hukama Ram, Aged About 32 Years, R/o Village Pareu, Tehsil Gida, Dist. Barmer. At Present Psoted At Ayush Health And Wellness Centre Simerakhiya Purohitan, Dist. Barmer.
8. Vinod Kumar S/o Sh. Asha Ram, Aged About 31 Years, R/o Meghwalon Ka Bas, Morakha, Post Mundara, Tehsil Desuri,





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District Pali. At Present Posted At Ayush Health And Wellness Centre Chhoda, Dist. Pali.

9. Chaudhari Premila D/o Sh. Dalpat Kumar, Aged About 33 Years, R/o Dhakon Ka Talla, Saranon Ki Nadi, Tehsil Dhanau, Dist. Barmer. At Present Posted At Ayush Health And Wellness Centre Dudhu, Dist. Barmer.
10. Anita Choudhary W/o Sh. Teja Ram, Aged About 33 Years, R/o Deramoni, Potaliyon Ki Dhani, Bayatu, Dist. Barmer. At Present Posted At Ayush Health And Wellness Centre Simerkhiya Khara, Dist. Barmer.
11. Pukhraj S/o Sh. Pema Ram, Aged About 29 Years, R/o Meghwalo Ka Bas, Pareu, Tehsil Gida, Dist. Barmer. At Present Posted At Ayush Health And Wellness Centre Simarakhiya Khara, Dist. Barmer.
12. Leelawati D/o Sh. Lakha Ram, Aged About 31 Years, R/o Gujaro Ki Dhani, Bayatu Chimji, Dist. Barmer. At Present Posted At Ayush Health And Wellness Centre Jasai, Dist. Barmer.
13. Nirma W/o Sh. Poonna Ram, Aged About 30 Years, R/o Village Newai, Pachapadara, Dist. Barmer. At Present Posted At Ayush Health And Wellness Centre, Umaralai, Dist. Barmer.
14. Alkesh Kumar S/o Sh. Himmat Mal, Aged About 28 Years, R/o Sutharon Ka Bas, Joyala, Dist. Sirohi. At Present Posted At Ayush Health And Wellness Centre Joyala, Block Shivganj, Dist. Sirohi.
15. Suman Nehra D/o Sh. Mangla Ram, Aged About 31 Years, R/o Village And Post Khorandi, Tehsil Nawa, Dist. Nagaur. At Present Posted At Ayush Health And Wellness Centre Khorandi, Teh. Nawa, Dist. Nagaur.
16. Niranjan Kumar Parmar S/o Sh. Jora Ram Parmar, Aged About 33 Years, R/o Meghwalo Ka Bas, Salodariya, Dist. Pali. At Present Posted At Ayush Health And Wellness Centre, Paldi Thana, Sumerpur, Dist. Pali.
17. Neelam Goswami D/o Sh. Amrit Puri Goswami, Aged About 32 Years, R/o Ushapuri Gate, Aeundar, Sumerpur, Dist. Pali. At Present Posted At Ayush Health And Wellness Centre, Paldi, Sumerpur, Dist. Pali.
18. Ramchandra S/o Sh. Mohanlal, Aged About 32 Years, R/o Village Sanwatgarh, Shyamgarh, Tehsil Nawa, Dist Nagaur. At Present Posted At Ayush Health And Wellness Centre, Shyamgarh, Dist. Nagaur.





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19. Suman Jat W/o Sh. Premchand, Aged About 27 Years, R/o Joshipura, Tehsil Nawa, Dist. Nagaur. At Present Psoted At Ayush Health And Wellness Centre, Shyamgarh, Dist. Nagaur.
20. Anita Meena D/o Sh. Ganpati Meena, Aged About 30 Years, R/o Village Darra, Rodhai, Dist. Karouli. At Present Posted At Ayush Health And Wellness Centre, Bhankari Dist. Karauli.
21. Vimla D/o Sh. Moola Ram, Aged About 31 Years, R/o Village And Post Jooniundari, Barmer, Dist. Barmer. At Present Posted At Ayush Health And Wellness Centre, Sidhasanwa, Harniyan, Dist. Barmer.
22. Madhu Kumari W/o Harchand Singh Saini, Aged About 25 Years, R/o Village And Post Semli, Tehsil Nagar, Dist. Bharatpur. At Present Posted At Ayush Health And Wellness Centre, Semli, Dist. Bharatpur.
23. Sitara Begam W/o Sh. Ashik Hussain, Aged About 34 Years, R/o Balaji Ka Gali, Jameetpura, Tehsil Talera, Dist. Bundi. At Present Posted At Ayush Health And Wellness Centre, Jameetpura, Dist. Bundi.
24. Maina Bai D/o Sh. Nand Kishor, Aged About 29 Years, R/o Karwala Ki Jhonparyan, Bundi, Dist. Bundi. At Present Posted At Ayush Health And Wellness Centre, Jaisthal, Dist. Bundi.
25. Chitralekha Tiwari W/o Sh. Pradeep Kumar Sharma, Aged About 33 Years, R/o Bus Stand, Bheru Ji Barda, Hindoli, Dist. Bundi. At Present Posted At Ayush Health And Wellness Centre, Tokara, Dist. Bundi.
26. Khushbhu Gour W/o Sh. Deepak Kumar, Aged About 29 Years, R/o Chacholya Talab, Gendoli Khurd, Dist. Bundi. At Present Posted At Ayush Health And Wellness Centre, Gendoli Khurd, Dist. Bundi.
27. Laxman Kumar Meghwal S/o Sh. Naina Ram Meghwal, Aged About 25 Years, R/o Meghwal Bas, Tawari, Dist. Sirohi, Present Posted At Ayush Health And Wellness Centre, Centre, Gole, Dist. Sirohi.
28. Bharat Kumar Meghwal S/o Sh. Hansa Ram, Aged About 40 Years, R/o Village Sirodi, Dist. Sirohi. At Present Posted At Ayush Health And Wellness Centre, Hathal, Teh. Rewadar, Dist. Sirohi.
29. Laxmi Kumari W/o Sh. Manish Kumar, Aged About 30 Years, R/o Meghwal Was, Juni Kharadi, Ward No. 06, Abu





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Road, Sirohi, Dist. Sirohi. At Present Posted At Ayush Health And Wellness Centre, Kivarli, Teh. Aburaod, Dist. Sirohi.

30. Rajendra Kumar Dangi S/o Sh. Hansa Ram Dangi, Aged About 38 Years, R/o South Meghwal Was, Ward No. 06, Gali No. 03, Sirohi, Dist. Sirohi. At Present Posted At Ayush Health And Wellness Centre, Mankroda, Dist. Sirohi.
31. Naresh Kumar Meena S/o Sh. Rama Ram Meena, Aged About 32 Years, R/o Posaliya, Dist. Sirohi. At Present Posted At Ayush Health And Wellness Centre, Kanakolar, Dist. Sirohi.
32. Pushpa Kumari D/o Sh. Sama Ram, Aged About 30 Years, R/o Akhariya Vas, Bargaon, Dist. Sirohi. At Present Psoted At Ayush Ealth And Wellness Centre, Kanakolar, Dist. Sirohi.
33. Chotu Lal S/o Sh. Gena Ram, Aged About 33 Years, R/o Meghwal Vas, I.t.i. Road, Santpur, Abu Road, Dist. Sirohi. At Present Posted At Ayush Health And Wellness Centre, Santpur, Dist. Sirohi.
34. Shankarlal Meghwal S/o Magan Lal Meghwal, Aged About 33 Years, R/o Meghwal Vas, Ore Dis. Srohi. At Present Posted At Ayush Health And Wellness Centre, Ore, Abu Road, Dist. Sirohi.
35. Vala Ram S/o Sh. Uda Ram, Aged About 31 Years, R/o Village And Psot Thob, Tehsil Pachpadra, Dist. Barmer. At Present Posted At Ayush Health And Wellness Centre, Umaralayi, Dist. Barmer.
36. Pratap Bana S/o Sh. Gopal Krishna Bana, Aged About 32 Years, R/o Kankolgarh, Khokhasar, Gida, Dist. Barmer. At Present Posted At Ayush Health And Wellness Centre, Khokhasar, Dist. Barmer.
37. Neeraj Devi W/o Surendra Singh, Aged About 28 Years, R/o Village Gajipur, Dist. Karauli At Present Posted At Ayush Health And Wellness Centre, Pahadi, Dist. Karauli.
38. Mooli D/o Sh. Bhoma Ram, Aged About 32 Years, R/o Ganganiyon Ki Dhani, Kalewa, Dist. Barmer. At Present At Ayush Health And Wellness Centre, Khanoda, Dist. Barmer.
39. Laxmi Shekhawat W/o Sh. Bheem Singh, Aged About 34 Years, R/o Rewada Jetmal, Dist. Barmer. At Present At Ayush Health And Wellness Centre, Simarakhiya Purohitan, Dist. Barmer.
40. Nirmala Mehra W/o Sh. Brij Raj Mehra, Aged About 35





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Years, R/o 28, Devnarayan Ke Mandir Ke Pass, Atraliya, Kota Dist. Kota. At Present At Ayush Health And Wellness Centre, Haripura Manjhi, Dist. Kota.

41. Rahina Bano W/o Sh. Arif Husain, Aged About 34 Years, R/o 179, Saran Wali Gali, Genta, Dist. Kota. At Present At Ayush Health And Wellness Centre, Genta, Dist. Kota.

42. Vishnu Kumar S/o Sh. Devki Nandan Sharma, Aged About 34 Years, R/o Talera Dist. Bundli. At Present Posted At Ayush Health And Wellness Centre, Jamitpura, Dist. Bundi.

-----Petitioners

Versus

1. The State Of Rajasthan, Through Its Secretary, Department Of Ayush (Ayurved, Yoga, Naturopathy, Homiopathic, Unani) Government Of Rajasthan, Jaipur.

2. State Of Rajasthan, Department Of Personnel, Through Its Secretary, Secretariat, Jaipur.

3. The Director, Department Of Ayurveda, Ashok Marg, Lohagal Road, Savitri College Circle, Ajmer.

4. Dr. Sarvapali Radhakrishnan Rajasthan Ayurveda University, Through Its Registrar, Karvad Nagaur Road, Jodhpur.

-----Respondents

S.B. Civil Writ Petition No. 9283/2024

1. Kiran Jajra D/o Shri Amra Ram Jajra, Aged About 26 Years, Resident Of Village Jato Ka Bas, Mathaniya, Post Dodiya, Tehsil Riayn Badi, District Nagaur (Raj.).

2. Prem Chand Jangid S/o Shri Ragunath Ram, Aged About 35 Years, Resident Of Village Dhamniya, Post Baggad, Tehsil Riyan Badi, District Nagaur (Raj.).

3. Jaswant Singh S/o Shri Narayan Singh Rajpurohit, Aged About 34 Years, Resident Of Bichala Bas, Ward No. 10, Sri Kolayat, Tehsil Kolayat, District Bikaner (Raj.).

4. Lakhani Soni S/o Shri Dinesh Soni, Aged About 25 Years, Resident Of Village/post Hanuman Gali Anwar, Tehsil Pachpahad, District Jhalawar (Raj.).

5. Bisram Jat S/o Shri Raymal Jat, Aged About 33 Years, Resident Of Village Gothiyana, Via Arai, Tehsil Arai, District Ajmer (Raj.).

6. Mukesh Verma S/o Shri Babulal Verma, Aged About 32 Years, Resident Of Village Bandhnau, Post Dikhnada, Tehsil





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Sardarshahar, District Churu (Raj.).

7. Sharda Talnia W/o Shri Indraj Mahich, Aged About 34 Years, Resident Of Village Dhani Ranasar, Pawaran, Post Jaitasar, Tehsil Sardarshahar, District Churu (Raj.).
8. Sunita Chundawat W/o Shri Mahipal Singh, Aged About 35 Years, Resident Of Village/post Manda, Via Sojat Road, Tehsil Marwar Junction, District Pali (Raj.).
9. Mamta Rani W/o Shri Nanu Ram Prajapat, Aged About 31 Years, Resident Of Village Udasar, Post Kalyanpura, District Churu (Raj.).
10. Manju Devi D/o Shri Shyopat Ram, Aged About 34 Years, Resident Of Ward No. 13, Talwara Jhheel, Tehsil Tibbi, District Hanumangarh (Raj.).
11. Monika Mehar D/o Shri Sitaram Mehar, Aged About 32 Years, Resident Of Village/post Chand-Khedi, Tehsil Khanpur, District Jhalawar (Raj.).
12. Minakshi Kumari D/o Shri Uma Sankar Pandey, Aged About 33 Years, Resident Of Village/post Bad Bas, Jaliya-2Nd, Tehsil Vijaynagar, District Ajmer (Raj.).
13. Sandeep Meena S/o Shri Ram Kishan Meena, Aged About 36 Years, Resident Of 65/66, Behind Police Line, Shivnagar, Bhilwara (Raj.).
14. Manoj Singh S/o Shri Bhagwan Singh Rathore, Aged About 37 Years, Resident Of Village/post Damboi Khurd, Via Gachchhipura, Tehsil Makrana, District Deedwana-Kuchaman (Raj.).
15. Jagdish Chandra Meena S/o Shri Magna Ram Meena, Aged About 32 Years, Resident Of Village/post Kheruna, Teethoda, Tehsil Jahajpur, District Bhilwara (Raj.).
16. Sonu Kumari Balai D/o Shri Ramesh Chandra Balai, Wife Of Shri Vijay Kumar, Aged About 31 Years, Resident Of Village/post Bankara, Tehsil Jahajpur, District Bhilwara (Raj.).
17. Minaxi Bunkar D/o Shri Bnshidhr Bunkar, Aged About 33 Years, Resident Of Village/post Moriza, Tehsil Chomu, District Jaipur (Raj.).
18. Sirjeet Kumar S/o Shri Mehar Chand, Aged About 40 Years, Resident Of Ward No. 9, Village Daulatpura, Tehsil Tibbi, District Hanumangarh (Raj.).
19. Jai Prakash Bunkar S/o Shri Gopal Lal Bunkar, Aged About 42 Years, Resident Of Village Hardrampura, Post Khejroli, Tehsil Chomu, District Jaipur (Raj.).





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20. Kamlesh Kumar S/o Shri Babulal, Aged About 37 Years, Resident Of Village Bhateep, Post Kodka, Tehsil Raniwara, District Jalore (Raj.).

21. Sanju Kumari W/o Shri Nathu Singh, Aged About 30 Years, Resident Of Gillon Ka Bas, Village Dhaniya, Bhorki, Tehsil Udaipurwati, District Jhunjhunu (Raj.).

-----Petitioners

Versus

1. State Of Rajasthan, Through Its Chief Secretary, Government Of Rajasthan, Jaipur.

2. The Principal Secretary, Ayurved And Indian Medicine Department, Secretariat, Jaipur

3. Joint Secretary, Ayurved, Yoga And Naturopathy Medicine, Unani, Siddha And Homeopathy (Ayush) Department, Secretariat, Jaipur.

4. The Director, Ayurved Department, Ashok Marg, Lohagal Road, Savitri College Circle, Ajmer.

5. The Mission Director, National Health Mission, Govt. Of Rajasthan, Jaipur.

6. The Mission Director, National Ayush Mission, Ayush Bhawan, Govt. Of Rajasthan, Jaipur.

7. Dr. Sarvepli Radhakrishnan Rajasthan Ayurved University, Through Its Registrar, Karwar, Nagaur Road, Jodhpur (Raj.).

8. The Deputy Director, Ayurved Department, Nagaur.

9. The Deputy Director, Ayurved Department, Churu.

10. The Deputy Director, Ayurved Department, Pali.

11. The Deputy Director, Ayurved Department, Hanumangarh.

12. The Deputy Director, Ayurved Department, Jhalawar.

13. The Deputy Director, Ayurved Department, Jaipur.

14. The Block Chief Medical Officer, Khejroli, District Jaipur-First.

15. The Deputy Director, Ayurved Department, Jhunjhunu.

16. The Deputy Director, Ayurved Department, Ajmer.

17. The Deputy Director, Ayurved Department, Deedwana-Kuchaman.

18. The Deputy Director, Ayurved Department, Bhilwara.

19. The Deputy Director, Ayurved Department, Jalore.

20. The Deputy Director, Ayurved Department, Bikaner.

-----Respondents





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For Petitioner(s) : Mr. Yashpal Khileree
with Ms. Vinita
Mr. K.L. Chouhan

For Respondent(s) : Mr. N.S. Rajpurohit, AAG
Mr. Sher Singh Rajpurohit, Asstt. to AAG
Ms. Anita Rajpurohit, Asstt. to AAG
Mr. Suneil Purohit
with Mr. Jasraj Singh

**HON'BLE MR. JUSTICE FARJAND ALI****Order****ORDER RESERVED ON : 20/09/2024****ORDER PRONOUNCED ON : 24/09/2024****Reportable****BY THE COURT: -**

1. The instant writ petitions under Article 226 of the Constitution of India have been preferred by the petitioners being aggrieved by the action of respondents for not issuing the experience certificate in a prescribed format and not granting bonus marks to Yoga Instructors ("YI") in the ongoing selection process of Ayurveda Compounder/Nurse as per the order dated 25.04.2023 issued by the Department of Medical and Health despite the fact that they discharged their duties similar to Ayurveda Compounder/Nurse during the period of COVID-19.

2. The issue involved in all these matters is similar, with the consent of the parties all have been heard together and being decided by the instant common order. For the purpose of



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convenience, the facts reflected in this order would be of **S.B.**

Civil Writ Petition No. 17062/2023.

3. Briefly stating the facts of the case are that in times of COVID-19 when the whole world was facing a deadly pandemic there was need of people who can come forward and contribute for the society. At that time, Government decided under the National AYUSH (Ayurveda, Yoga and Naturopathy, Unani, Siddha and Homeopathy) Mission to advertise vacancies for the posts of Yoga Instructor at 430 Ayurveda Hospitals situated in the State of Rajasthan which were selected as AYUSH Health & Wellness Centre and accordingly the respondent director Ayurveda Department issued an advertisement dated 04.03.2021 and invited applications from the eligible candidates and as per which one female and one male is to be appointed at each Ayurveda Hospital (Annexure 1). The petitioners are having qualifications showing Diploma in AYUSH Nursing and Pharmacy (DAN & P) as well as registration with Rajasthan Ayurveda Nursing Council, Jaipur (Annexure 2). Petitioners were being appointed on the post of Yoga Instructor by the order issued by the respondent authority and the copy of the appointment order dated 13.07.2021 of petitioner no.1 has been annexed with the writ petition and accordingly he joined on 15.07.2021 (Annexure 4). Similarly, the other petitioners were also joined and served as Yoga Instructor and this fact is not disputed. Petitioners were appointed during COVID-19 Pandemic in the month of July, 2021 and are continuing





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till date. During pandemic period i.e., 22.03.2020 to 13.02.2022, the services of all the employees including the employees of Ayurveda Department were handed over to the department of Medical and Health, Government of Rajasthan, Jaipur vide order dated 07.04.2020 (Annexure 7). The work done by the Ayurveda Department in Phase 1 and Phase 2 of COVID-19 is also annexed herewith (Annexure 8). The respondent state government has decided to provide additional bonus marks in the regular recruitment process of Medical and Health Department to those employees who served at the time of pandemic vide order dated 25.04.2023 (Annexure 11). Now the respondent department of AYUSH Rajasthan has issued advertisement dated 03.10.2023 and invited applications from eligible candidates for appointment on the post of Compounder/Nurse Junior Grade and the minimum qualification for the said post is Three years Diploma or Four Years B.Sc. in Ayurveda Nursing along with internship from a university established by law in India and registered in Rajasthan Ayurveda Nursing Council (Annexure 13). The criteria of selection process, grant of bonus marks, reservations as well as relaxations were all given in the advertisement. The petitioners performed duties during COVID-19 and are still continuing on contractual basis in the respondent department but no additional benefits have been given as per order dated 25.04.2023 (Annexure 11) and therefore it is challenged by way of filing the instant writ petitions.





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4. Learned counsel for the petitioner submits that the actions of respondent's authority in denying to issue the experience certificate in a prescribed format as well as in providing the bonus marks to the petitioners is discriminatory, arbitrary, unfair and illegal. The petitioner no.1 has been appointed vide order dated 13.07.2021 (Annexure 3) and on 15.07.2021 (Annexure 4) he joined in the office. He further submits that the petitioners were having qualification of Diploma in AYUSH- Nursing and Pharmacy as well as having the registration with Rajasthan Ayurveda Nursing Counsel, Jaipur and are eligible in all respect for appointment on the post of Compounder/Nurse Junior Grade as well as Yoga Instructors. It was further argued that the aim of diploma in AYUSH nursing and pharmacy is to prepare nurses cum pharmacist with a sound educational programme and to teach them about healthcare so that they can help as an efficient member of the health team in preventing the diseases, promotion of health and rehabilitation of the sick. In COVID-19 times, when everyone was sitting in their safe environment, State sought to engage people on contractual/ad-hoc/temporary basis under the Medical Department as well as Ayurveda Department for undertaking COVID-19 related works. The Department of Medical and Health, Government of Rajasthan decided to provide an additional benefit of awarding bonus marks to such candidates in the regular recruitment vide order dated 25.04.2023 (Annexure 11) to the employees who served during COVID period. The





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petitioners also performed the duties as directed by the medical department during COVID and discharged all duties as directed to them during COVID period but still not providing them the bonus marks is discriminatory in nature. The concerned authority was supposed to issue experience certificate to the petitioners however the same was not issued in an arbitrary manner. The action of the respondent is in violation of provisions under Article 14, 16, 21 and 300-A of the Constitution of India. Learned counsel in support of his contention has placed an order passed by this Court in ***Rahul Singh Chouhan v. State of Rajasthan [SBCWP No. 7868/2023]***. The petitioners approached this Court with the prayer that the respondent deputy director be directed to issue experience certificate to the petitioners as per period of their working during COVID-19 and should be directed to award bonus marks in respect of their experience certificates.

5. Per contra, learned counsel for the respondent department vehemently opposed the submissions made by the counsel for the petitioner. He submits that the appointment on the post of Yoga Instructors as provided in the advertisement dated 04.03.2021 provides for a part time post for Yoga Instructors under Ayurveda Department. He further submits that appointment order of petitioner as Yoga Instructor dated 13.07.2021 states that it is on hourly basis and the remuneration is also fixed as maximum Rs. 5000/- per month and honorarium per hour was of Rs. 250/- to the maximum of 20 hours is fixed. He further contented that duty





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of Yoga Instructors was to conduct yoga classes for one hour and this work for 20 hours a month cannot be equated at par with daily duty of compounder and nurse for 8 to 12 hours considering the nature of work and work performed. The state government vide letter dated 25.10.2023 (Annexure R/1) submitted an additional affidavit clearing that the work of Yoga Instructors is not similar to the work and responsibilities of Ayurveda Nurse/Compounder. He further argued that the Department of Ayurveda and Department of Medical & Health are different and they cannot be considered as same. Further he added that the work of Yoga Instructors and work of Nurse/Compounder cannot be kept at equivalent position when it comes on providing bonus marks to Yoga Instructors. Learned counsel in support of his contention has placed on record the following judgments rendered by the Hon'ble Supreme Court and the Division Bench as well as the Coordinate Benches of this Court respectively: -

I. *Satya Dev Bhagaur v. State of Rajasthan (2022) 5 SCC 134.*

II. *Ram Singh v. State: D.B. Special Appeal Writ No.963/2022 and Ram Singh v. State: SBCWP No.8162/2022.*

6. Heard learned counsel for the petitioners as well as the learned counsel for the respondents and perused the material placed on record.





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7. Indisputably, the petitioners were appointed as Yoga Instructor and they performed their duties even during outbreak of COVID-19 pandemic as per the directions of the authorities issued time to time and therefore they deserve to get the experience certificate of doing the work of Yoga Instructor at relevant point of time and perhaps observing the same, the coordinate bench of this Court has passed an interim order dated 01.11.2023, after hearing the counsel for the parties, for issuance of experience certificate in favour of the petitioners so as to enable them to complete the formalities of filling of application forms. It would be worthwhile to reproduce the order dated 01.11.2023 passed by a coordinate bench in this matter, the same reads as: -

- “1. Learned counsel for the petitioners submits that though the petitioners, who were appointed as ‘Yoga-Instructor(s)’, performing the same duties as that of ‘Ayurveda Compounder/Nurse Junior Grade’ for more than two years, despite that the requisite certificate has not been issued. Learned counsel for the petitioners further submits that for filling up the form for the post of Ayurveda Compounder/Nurse Junior Grade, the last date is 05.11.2023 and if the respondents do not issue the requisite experience certificates, the petitioners will not be awarded the bonus marks.
2. Learned Additional Advocate General accepts notices on behalf of respondents and seeks time to complete his instructions in the matter.
3. Time prayed for is granted. List the petition on 28.11.2023.
4. In the meanwhile, the respondents are directed to issue the experience certificates to the petitioners of the post of Yoga Instructor(s), on which post the petitioners have performed their duties, at the earliest preferably before 03.11.2023. Issuance of the certificates under the interim directions of the Court would not bound the respondents to award bonus marks, unless the petitioners are eligible for





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the same. The entire exercise will remain subject to final outcome of the present petition.”

It is emanating from the order dated 01.11.2023 that upon taking into account the fact and niceties of the matter, as an interim measure this Court felt it appropriate to pass an order of issuance of experience certificates to the petitioners on the post of Yoga Instructors on which post they did perform their duties under the directions of the respondent department. It is not under dispute that in pursuance of the order dated 01.11.2023, the respondent department has issued experience certificates to the petitioners thus, one part of the writ petition and the prayer regarding issuance of experience certificate does not survive now and so also this Court deems it appropriate to make absolute the order dated 01.11.2023 passed by a coordinate bench. The writ petitions are allowed to the extent it relates to the prayer regarding issuance of the experience certificate for the work they performed while discharging their duties on the post of Yoga Instructors during the relevant time.

8. Now moving on to the another aspect of the matter as to whether the prayer for issuance of directions to the respondent authority for applicability of order dated 25.04.2023 (Annexure 11 of writ petition no. 17062/2023) for granting them bonus marks in the current recruitment process initiated vide advertisement dated 03.10.2023 for which the petitioners have made their candidature can be acceded to or not. Firstly, it would be worthwhile to mention that the advertisement dated





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03.10.2023 for recruitment of Compounder/Nurse Junior grade has been issued by the Department of AYUSH (Ayurveda, Homeopathy, Unani) Rajasthan, Jaipur for their services in Ayurveda, Homeopathy and Unani Departments. The advertisement has been issued under Rajasthan Ayurvedic, Unani, Homeopathy and Naturopathy Subordinate Services Rules, 1966 (*hereinafter referred as Rules of 1966*). The recruitment process, eligibility criteria, selection method, bonus marks etc. are to be taken care of under the aforementioned Rules of 1966. The order dated 25.04.2023 (Annexure 11) came to be issued by the Department of Medical & Health (Group 3) and the same was issued for giving its applicability for the direct recruitment process of Rajasthan Medical and Health Subordinate Service Rules, 1965 (*hereinafter referred as Rules of 1965*) so as to give benefit to the candidates/aspirants by awarding bonus marks to them. The order dated 25.04.2023 issued by the Department of Medical & Health is related to the recruitment process as would be initiated under the Rajasthan Medical & Health Subordinate Service Rules, 1965 only and how this order shall be made applicable to the other recruitment process issued under the Rajasthan Ayurvedic, Unani, Homeopathy and Naturopathy Subordinate Services Rules, 1966 is not comprehensible. Neither the Rules of 1966 related to Ayurveda Subordinate services has any provision regarding applicability of Rules of 1965 for Rajasthan Medical & Health





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Department nor is there any provision in the Rules of 1965 regarding pertinence of recruitment process of Medical & Health Subordinate services making its applicability on the services of Ayurveda subordinate services. Both the department are different and their service rules are different even the Secretary and Directors of both the departments are different and both have distinct features and method of working then how the order issued by Medical & Health Department can be made applicable to the aspirants of recruitment process of Ayurveda Department. Learned counsel for the petitioners have utterly failed to convince this Court or to show any provision of law by taking resort of which the order dated 25.04.2023 issued by Medical & Health Department can be taken for providing bonus marks to them under the recruitment process of AYUSH department governable under the Rules of 1966. Maybe that the petitioners have worked during the period between 22.03.2020 to 13.02.2022, they may have zealously rendered their services as Yoga Instructors under the instructions of AYUSH Department but they are not entitled to get the benefit of bonus marks provided by order dated 25.04.2023 which was passed under Rule 19 of Rajasthan Medical and Health Subordinate Service Rules, 1965. There are two distinct subordinate service rules; one for the department of Medical and Health and one for the AYUSH and in the considered opinion of this Court; any order issued by the other department under a distinct rule cannot





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benefit the petitioners. Had it been the case that an order identical to the order dated 25.04.2023 got issued by the Department of AYUSH, then the claim of the petitioners would be taken as legitimate claim but in absence of issuance of any order by the Department of AYUSH under Ayurveda Subordinate Service Rules 1966, the relief claimed by the petitioners cannot be granted.

9. After minutely observing that no order has been passed by the Department of AYUSH regarding grant of bonus marks similar to what have been issued by the Department of Medical and Health dated 25.04.2023, now this Court is examining the provisions under the Rules of 1966 in respect of awarding bonus marks to the candidates under the recruitment process. There is an express provision under Rule 19 of the Rules of 1966 and for the convenience the same is being reproduced herein under:-

"Scrutiny of applications. - The Appointing Authority shall scrutinize the applications received by it and require as many candidates qualified for appointment under these rule as seem to it desirable for interview:

Provided that in case of appointment to the post of Nurse Compounder Junior Grade, the merit shall be prepared by the Appointing Authority on the basis of marks obtained in such qualifying examination specified in the Schedule appended to the rules and bonus marks **as may be specified by State Government** having regard to the **length of experience on similar work** under the Government, Chief Minister BPL, Jeevan Raksha Kosh, "National health Mission, Dr. Sarvepalli Radha krishnan Rajasthan Ayurveda University, Jodhpur or any Ayush Project in the state of Rajasthan run by the Government", as the case may be. Provided further that the decision of the Appointing Authority, as to the eligibility or otherwise of a candidate, shall be final."





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A bare perusal of the Rule aforesaid reflecting that there is also a provision of awarding bonus marks to the candidates for which the State Government has to specify by passing an order in this regard and which would be related to the length of experience of the candidates on similar work under the Government, Chief Minister BPL, Jeevan Raksha Kosh, National health Mission, Dr. Sarvepalli Radha Krishnan Rajasthan Ayurveda University, Jodhpur or any AYUSH Project in the State of Rajasthan. In this regard this Court feels that as and when the State Government, as per Rule 19 of the AYUSH Subordinate Service Rules 1966 will specify the manner of awarding bonus marks to the candidates falling under the requisite categories then the deserving candidates shall be entitled to get benefit of them but they are not entitled to get any benefit in pursuance of the order dated 25.04.2023 issued by the Department of Medical and Health under the Medical & Health Subordinate Service Rules, 1965 because of both being separate departments and having separate/distinct governing rules. In view of the above, it is held that there is no applicability of order dated 25.04.2023 issued by department of Medical and Health in respect of the current recruitment process initiated vide advertisement dated 3.10.2023 by AYUSH department and therefore the relief claimed for cannot be acceded to in favor of the petitioners. Rule 19 of the Rules 1966 hereby manifestly states that the bonus marks should be granted on the length of experience on "similar work". It is clear from the above provision that the work of Yoga





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Instructors cannot be considered to be similar to Nurse/Compounder until and unless it is proved that they worked at the equivalent position and have done the same work as Nurse/Compounder.

10. Since arguments have been raised on behalf of the petitioners to say that the work done and services rendered by them in the capacity of Yoga Instructors during the COVID period are the same as of the Compounder/Nurse and therefore, on the basis of the equality and nature of the work, they should also be granted the same bonus marks as per Rule 19; therefore, discussions with regard to the above plea is being made herein.

11. Ayurveda & Yoga complement each other but cannot substitute each other as both have their own roots and origin from which they have emerged. Although both of these operate towards the common goal which is related to purify body of a human being but the ways in which it works is totally distinct from each other. The word "Ayurveda" is formed from two Sanskrit words "ayur" which means life and "veda" means knowledge and when it comes together it can be defined as "science of life". It is a traditional system of medicine which has been originated in the Vedic times. The knowledge about the body can be traced from "Charaka Samhita" and "Sushruta Samhita" which describes the interrelated systems of body and variations in human constitution. In ancient times Ayurveda started with the knowledge of herbs which has given solution for the ailment of different body parts and has





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included different types of salts which help in curing the whole body; then "lepa" (coating) which can be applied on the body parts and can be consumed at the same time to cure the diseases.

Over the period of time, Ayurveda has developed and have moved forward from making medicines from combination of herbs and by pounding them in a mortar to modern mechanism which includes medicines in the form of syrups, tablets, capsules, chutney, injections which can be injected directly to the body and can also be infused in the body through intravenous infusion. The system of Siddha, Unani and Tibbi is most commonly used by the Ayurveda doctors and they only know what salts, herbs and extracts to be used for a specific ailment or a disease; the compounders and nurse working under the Ayurveda do have cursorily knowledge of these things because of their experience. When it comes to Yoga, it has been derived from a word "yuj" which means to join or to unite. Vedas has explained Yoga as a four-state process which is Bhakti yoga, Dhyana yoga, Karma yoga and Gyana yoga which is connected to spiritual side and creates perfect harmony between the soul, mind and the body by performing different postures from which one can attain peace. It includes physical work which can lead a person to self-realization. Both of these are different in nature as Ayurveda has developed itself from traditional medicine to modern science whereas Yoga is a physical activity which ensures a bond between mind and body in a composed manner. In doing Yoga activities, nothing is





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supposed to swallowed, drink, consumed or applied to the body while the above same are the necessary concomitant of the Ayurveda theory.

12. After perusing the record and pondering upon the submissions and materials made available to this Court, it is revealed that the petitioners were having the qualification of Diploma in AYUSH Nursing and Pharmacy (DAN & P) as well as registration with Rajasthan Ayurveda Nursing Council, Jaipur (Annexure 2) along with internship certificates which makes them eligible academically to fill the form. Assuming for a moment that the petitioners too are entitled to get the bonus marks in respect of the services performed by them during the COVID period still they are required to prove that the services rendered by them were similar to medical services and therefore they should also be given the bonus marks as mentioned in order dated 25.04.2023. Whether simply remaining on job and rendering services during a particular period is sufficient or whether the petitioners are required to establish the fact that the services performed by them are similar is not a disputed question of fact since even a bare perusal of the order dated 25.04.2023 making it abundantly clear that not only the service period of the candidate but the nature of work should also be the same. For ready reference the relevant part of order dated 25.04.2023 is reproduced as under: -

“कोविड परिस्थितियों के दृष्टिगत, कोविड अवधि दिनांक 22.3.2020 से 13.2.2022 के दौरान विभिन्न चिकित्सकीय सेवाओं में कार्यरत रहे कार्मिकों को विशेष परिस्थिति में कार्य करने को दृष्टिगत रखते हुए, कार्मिक विभाग की अधिसूचना 23.05.2022 के अनुरूप समरूप कार्य के आधार पर निम्नलिखित श्रेणियों में आने वाले





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संविदा/तदर्थ/आवश्यक अस्थाई आधार पर आर.एम.आर.एस. /प्लेसमेंट एजेन्सी/एन.जी.ओ./पी.पी.पी./108/एम.एम.यू./एम.एम.वी. के माध्यम से कार्यरत कार्मिकों को वर्ष 2023-24 (मार्च.2024) तक की जाने वाली भर्तियों में वर्णित तालिका के अनुसार संशोधित बोनस अंक देय होंगे:-

1) ऐसे कार्मिक जो कि कोविड अवधि से पूर्व से नियुक्त थे तथा जिनके द्वारा कोविड-19 के दौरान 22 मार्च 2020 से 13 फरवरी 2022 के दौरान भी संविदा/तदर्थ आवश्यक अस्थायी आधार पर कार्य किया गया है तथा वर्तमान में निरन्तर कार्यरत है अथवा नहीं है, एवं 2) ऐसे कार्मिक जो कोविड-19 के दौरान 22 मार्च 2020 से 13 फरवरी 2022 के दौरान संविदा/तदर्थ आवश्यक अस्थायी आधार पर नियुक्त हुए हैं तथा वर्तमान में निरन्तर कार्यरत है अथवा नहीं है को वर्ष 2023 से 31 मार्च 2024 तक की भर्तियों हेतु

संविदा/आवश्यक अस्थाई आधार पर कार्य अवधि	बोनस अंक
1. दो वर्ष से कम	15
2. दो वर्ष या इससे अधिक किन्तु तीन वर्ष से कम	20
3. तीन वर्ष या इससे अधिक	30

शेष समस्त कार्मिक जो कोविड अवधि के दौरान कार्यरत नहीं रहे हैं अर्थात् दिनांक 21.3.2020 तक ही कार्यरत रहे हैं अथवा दिनांक 13.2.2022 के पश्चात नियुक्त किये गये हैं, को आदेश क्रमांक 1138 दिनांक 15.11.2022 के अनुसार 10, 20 एवं 30 बोनस अंक देय होंगे।

यह सक्षम स्तर से अनुमोदित है।

आज्ञा से,
(नरेन्द्र बंसल)

संयुक्त शासन सचिव

13. A perusal of the expression used in order dated 25.04.2023 विभिन्न चिकित्सकीय सेवाओं में कार्यरत रहे कार्मिकों को विशेष परिस्थिति में कार्य करने को दृष्टिगत रखते हुए, कार्मिक विभाग की अधिसूचना 23.05.2022 के अनुरूप समरूप कार्य के आधार पर talks about the nature of work performed by the employees during COVID times. The word "समरूप कार्य" in itself states that the nature of work should be similar/alike/equivalent/kindred to the work of Ayurveda Nurse/Compounder.

14. While going through the materials made available to this Court by the parties, it is observed that the work done by the Yoga



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Instructors were to conduct yoga sessions every morning for 1 hour in AYUSH health and wellness centres and to conduct campaigns, camps every month for 2 hours. Other than this, they were involved in reporting and monitoring of medical services and assisting compounders in their work. The work of Nurse/Compounder is to keep the medicines organized and equipment clean and to prepare a medicine regimen as prescribed by the doctors; to perform enema, treatment of wound under the prescription of doctors; to maintain complete records of medicines received for drug storage and to provide assistance to the doctors in operation. They can be called any time by the medical officer for a treatment of a patient in emergency situations. The Nurse/Compounder of the hospital are expected to have some knowledge regarding the composition of salts/contents of salt in the medicines or at least the name of the drug/medicine which is to be given/infused to the patient. In the absence of a doctor, first aid should be given to the patients with the common medicines available in the dispensaries as per the given directory and to perform various procedures of kshar sutra therapy and Panchkarma. This work of nurse/compounders is not "***ejusdem generis***" to the work of Yoga Instructors. There's a difference between academically qualifying an exam; obtaining a degree/diploma and practically doing a particular work in the field and both cannot be equated and taken at par.





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15. According to the Directorate of Ayurveda Department, Rajasthan, Ajmer, they have issued an office order dated 25.10.23 with regards to issuance of experience certificate to Yoga Instructors. For ready reference the office order dated 25.10.2023 has been reproduced herein below: -



“राजस्थान-सरकार

निदेशालय आयुर्वेद विभाग राजस्थान-अजमेर

क्रमांक:प01/प्रति-3/न0क0/रिक्त पद/स्वीकृति/2022/13794-95 दिनांक 25/10/23

समस्त उपनिदेशक,
आयुर्वेद विभाग,
राजस्थान।

विषय-योग प्रशिक्षकों को अनुभव प्रमाण पत्र के संबंध में।

उपर्युक्त विषयान्तर्गत लेख है कि निदेशालय के ध्यान में आया है कि कतिपय उपनिदेशकों/आयुर्वेद चिकित्साधिकारियों द्वारा योग प्रशिक्षकों को अनुभव प्रमाण पत्र बनाये जा रहे हैं, जोकि राजस्थान आयुर्वेदिक, यूनानी, होम्योपैथी एवं प्राकृतिक चिकित्सा अधीनस्थ सेवा नियम-1966 के नियम-19 में वर्णित प्रावधानुसार नहीं है।

राजस्थान आयुर्वेद सेवा नियम-1966 के नियम-19 के प्रावधानुसार विज्ञापित पदों के लिए राज्य सरकार, मुख्यमंत्री बी.पी.एल. जीवन रक्षा कोष, एन.एच.एम. डॉ. सर्वपल्ली राधाकृष्णन राजस्थान आयुर्वेद विश्वविद्यालय जोधपुर या सराकर द्वारा राजस्थान राज्य में संचालित कोई आयुष परियोजना के अन्तर्गत विज्ञापित पद के समान कार्य (similar work) पर कार्य करने की अवधि के आधार पर अनुभव प्राप्त अभ्यर्थियों को बोनस अंक देय है। जबकि योग प्रशिक्षक पुरुष/महिला की नियुक्ति पूर्णतया पार्ट टाइम, मानदेय एवं स्वैच्छिक सेवा प्रकृति की है, जो केवल मात्र एक घण्टे योगा अभ्यास कराने हेतु नियुक्त है, उक्त योग प्रशिक्षक का कार्य विभाग में नियुक्त नर्स/कम्पा0 के कार्य के समान कार्य नहीं है।

अतः समस्त उपनिदेशकों को निर्देशित किया जाता है राजस्थान आयुर्वेदिक, यूनानी, होम्योपैथी एवं प्राकृतिक चिकित्सा अधीनस्थ सेवा नियम-1968 के नियम-19 प्रावधानुसार एवं विज्ञापन के अनुसार अनुभव प्रमाण पत्र सक्षम स्तर से पूर्ण परीक्षण उपरान्त नियमानुसार जारी किये जावे, अगर किसी अधिकारी द्वारा नियमों के विरुद्ध जाकर अनुभव प्रमाण पत्र जारी किये जाते हैं, तो ऐसे अधिकारी के विरुद्ध नियमानुसार कार्यवाही की जावेगी।

(डॉ० आनन्द कुमार शर्मा)
निदेशक

प्रतिलिपि-समस्त अतिरिक्त निदेशक संभाग राजस्थान को देकर लेख है कि उक्त संबंध में आवश्यक कार्यवाही करावे।

निदेशक”



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It is clear from the above office order that bonus marks shall be granted to those candidates having experience on the basis of period of working on similar work to the advertised post under the State Government, Chief Minister BPL, Jeevan Raksha Kosh, National health Mission, Dr. Sarvepalli Radha Krishnan Rajasthan Ayurveda University, Jodhpur or any AYUSH Project in the state of Rajasthan run by the Government. In an unambiguous term, it is stated in the order above that the work of Yoga Instructor is completely a part time and is of voluntary service nature, who are appointed only to conduct Yoga practice for one hour which is not similar to the work of Nurse/compounder.

16. Undeniably, the petitioners worked during COVID times as Yoga Instructors but the post on which they are applying is for Nurse and Compounder for which they cannot be put at the same level and therefore cannot be granted the bonus marks more particularly in light of the order dated 25.04.2023 issued by Medical & Health Department. The petitioners are demanding for bonus marks during the period they served but the order dated 25.04.2023 was not issued by the Ayurveda Department rather it was issued by the Medical and Health Department and therefore does not apply on the petitioners and will only be applicable for the candidates who would appear in the recruitment process under the Medical and Health Department. The nature of job has also been taken into consideration while deciding the matter. The office order and the rule clearly states that "similar work" performed by



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the employee will get the bonus marks. Here in the case at hand, the petitioners were appointed as Yoga Instructors and their work cannot be treated similar, equal, alike to that of Ayurveda Nurse/Compounder and therefore they are not entitled to get bonus marks as per their claim.

17. In view of the discussion made herein above, the writ petitions are disposed off in the following terms: -

A. The petitioners are entitled to get the experience certificate of the work they performed during the relevant period but for the experience on the post of Yoga Instructors only. They shall be able to use the same as and when it is required for that purpose. Since, the experience certificate has been issued by the department under the direction of this Court, therefore no further order is to be passed in this regard. If the experience certificate to any of the candidates hasn't been issued yet despite the order of this Court, then it shall be issued to those candidates immediately. The interim order dated 01.11.2023 is made absolute hereby.

B. The petitioners are not entitled to get the benefit of bonus marks in accordance with the order dated 25.04.2023 issued by the department of Medical and Health as the same is not applicable to the case of the petitioners.



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C. The nature and kind of the work of Yoga Instructors is different to the work of Ayurveda Nurse/Compounder and therefore the petitioners are not entitled to raise the claim of their work experience as Yoga Instructors akin to the post of Ayurveda Nurse/Compounder.

D. If the State Government specifies any bonus marks as provided under Rule 19 of the Rajasthan Ayurvedic, Unani, Homeopathy and Naturopathy Subordinate Service Rules, 1966, then the bonus marks shall be awarded to the candidates as per the applicability of the order and the work discharged by the candidates.

18. No order as to cost.

19. All the writ petitions along with stay petitions are disposed of accordingly.

(FARJAND ALI),J

Mamta/-