

Smt. Nisha Mathur and ors Vs. State and ors

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Court : Rajasthan Jodhpur

Decided On : Jul-28-2014

Appellant : Smt. Nisha Mathur and ors

Respondent : State and ors

Judgement :

S.B. CIVIL WRIT PETITION NO.2329/2014. Smt. Nisha Mathur & Ors. Vs. State of Rajasthan & Ors. (Alongwith 58 other connected matter as mentioned in Schedule) Date of Judgment :

28. 07.2014 1/33 IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR. .. ::

JUDGMENT

:: S.B. CIVIL WRIT PETITION No.2329/2014. Smt. Nisha Mathur & Ors. Vs. State of Rajasthan & Ors. (Alongwith 58 other connected matters as mentioned in the attached Schedule) .. Date of Judgment ::

28. h July, 2014. PRESENT HON'BLE Dr. JUSTICE VINEET KOTHARI
Appearance: Mr. G.R. Punia, Sr. Advocate with]. Mr. Y.P. Khileree]. Mr. Narpat Singh]. Mr. Suniel Purohit].- for the petitioner(s). Mr. T.S. Rathore]. Mr. N.R. Choudhary]. Mr. R.S. Choudhary]. Mr. S.S. Gour]. Mr. S.P. Singh]. Mr. Hanuman Singh Choudhary]. Mr. Narpat Singh Rajpurohit]. Mr. Mahaveer

Bishnoi]. Dr. P.S. Bhati, AAG for the State. Mr. Sajjan Singh Rathore, Assistant to the AAG. -- REPORTABLE BY THE COURT:

1. This lot of writ petitions is being disposed of by this common judgment and all the present petitioners are working as Auxiliary Nurse Midwife ('ANM') who are now called Health Workers (Female).

2. The *raison d'être* of the petitioners before this Court is their claim for regularisation in service, since they have worked for more than 10 years on continuous basis without any break in service, even S.B. CIVIL WRIT PETITION NO.2329/2014. Smt. Nisha Mathur & Ors. Vs. State of Rajasthan & Ors. (Alongwith 58 other connected matter as mentioned in Schedule) Date of Judgment :

28. 07.2014 2/33 though appointed on contractual basis initially but against the duly sanctioned posts of ANM under different advertisements issued by different Chief Medical and Health Officers of different districts. The factual aspects of the case are not in dispute from the side of the respondents and the undisputed facts in, nutshell, on the basis of which, the claim of the petitioners for regularisation is based are that the petitioners were appointed after due selection process against the sanctioned vacancies; they possess the prescribed qualifications to be appointed as Nurses or ANM and are duly registered with the Rajasthan Nursing Council and that they have served for more than 10 years without any break in service in the respondent Medical and Health Department and finally that their services so far have been unblemished in the Annual Appraisal Reports filled up by their In- charge of the respective Primary Health Centres or Community Health Centres where they were so working and assigned the duties to work as ANMs.

3. The following facts of the case are illustratively taken from CWP No.2329/2014:Smt. Nisha Mathur & Ors. Vs. State of Rajasthan & Ors. The appointment order dated 05.05.2003 (Annex.

6) indicates that the petitioners in the list of the said appointment order were appointed on contractual basis against 173 posts of Health Workers (Female) notified by the Chief Medical and Health Officer, Jodhpur were selected under the advertisement dated 08.04.2003 (Annex.5) by the Selection Committee headed by

the District Collector, Jodhpur and their appointment order also indicates that their appointment is purely temporary or on ad-hoc S.B. CIVIL WRIT PETITION NO.2329/2014. Smt. Nisha Mathur & Ors. Vs. State of Rajasthan & Ors. (Alongwith 58 other connected matter as mentioned in Schedule) Date of Judgment :

28. 07.2014 3/33 basis initially for a period of six months or till the end of the project known as Reproduction and Child Health Project. ('RCH') and on a monthly fixed honorarium of Rs. 3,500/-. The merit list was prepared on the recommendations of the said Selection Committee and on that basis various persons like the present petitioners were so appointed as ANMs/ Health Workers under the said project of RCH. The petitioners have also produced their experience certificate issued by the respondent - Chief Medical and Health Officer, Jodhpur in support of their contention that they have completed 10 years' of service in the said position under the contractual appointment which was extended from time to time by the respondents and they have also relied upon the order passed by a co-ordinate Bench of this Court in a writ petition (No.7476/2006) : Suman & Ors. Vs. State of Rajasthan & Ors. directing the respondent- Chief Medical and Health Officer to consider the case of the petitioners for regularisation of their services in view of Para-53 of the Hon'ble Supreme Court judgment in the case of State of Karnataka Vs. Uma Devi : (2006) 4 SCC1 4. Upon issuance of the notices, the respondent-Medical and Health Department represented by Dr. P.S. Bhati, the learned Additional Advocate General filed a detailed reply to the writ petition and have contested the writ petition seriously.

5. Completing the pleadings, the petitioners have filed a rejoinder in counter to the reply filed by the State and during the course of hearing on 14.07.2014, the petitioners have also filed an additional affidavit rebutting the contentions raised by the respondent-State. S.B. CIVIL WRIT PETITION NO.2329/2014. Smt. Nisha Mathur & Ors. Vs. State of Rajasthan & Ors. (Alongwith 58 other connected matter as mentioned in Schedule) Date of Judgment :

28. 07.2014 4/33 6. The sheet anchor of the contention raised on behalf of the respondent State is that the petitioners are not entitled for regularisation in the

services as there were no encadred posts of ANMs/Health Workers (Female) in the project of RCH for which the said petitioners were employed purely on temporary basis on contractual basis to work in far fetched rural areas for the reproduction and child health care of the State of Rajasthan and the number of posts of ANMs/Health Workers (Female) sanctioned for the particular project cannot be said to be encadred posts of said Nurses and, therefore, even though there is no immediate ending date of the said project RCH which is under the umbrella project of National Rural Health Mission ('NRHM') launched and funded by Central Government and is likely to run upto the year 2017 but as per the settled legal position, the employment of the petitioners on contractual basis is coterminous with the life of the project itself and once the said project is closed, the petitioners' employment cannot be continued beyond that date and, therefore, there is no question of regularising the services of the petitioners on the said posts notified or specified for a particular project. Dr. P.S. Bhati, the learned Additional Advocate General drawing a fine distinction between the regularly appointed persons on substantive basis against the duly notified substantive vacancies and the project employees like the present petitioners appointed on contractual basis for specified projects, emphasized, drawing the support from the series of judgments by the Hon'ble Supreme Court of India urged that the relief as claimed in the present petitions namely, that of S.B. CIVIL WRIT PETITION NO.2329/2014. Smt. Nisha Mathur & Ors. Vs. State of Rajasthan & Ors. (Alongwith 58 other connected matter as mentioned in Schedule) Date of Judgment :

28. 07.2014 5/33 regularisation of their services by way of mandamus directions to the respondent State, cannot be given to the petitioners and the writ petitions deserve to be dismissed.

7. Countering these substantial arguments raised by the learned Additional Advocate General Dr. P.S. Bhati, Mr. G.R. Punia, Senior Advocate, who led the arguments on behalf of the petitioners alongwith Shri Mr. Y.P. Khileree, Shri Narpat Singh, Shri Suniel Purohit, Shri T.S. Rathore, Shri N.R. Choudhary, Shri R.S. Choudhary, Shri S.S. Gour, Shri S.P. Singh, Shri Hanuman Singh Choudhary, Shri Narpat Singh Rajpurohit and Shri Mahaveer Bishnoi vehemently

urged that it is wrong to contend on behalf of the respondent State that the petitioners were appointed on a temporary basis or for a limited period for six months or till the project namely, RCH continues and the vacancies notified by the respondent- Medical and Health Department in different districts cannot be said to be posts with a limited life but on the own showing of the respondent State, since the project or different projects under different names, a list of such project have also been filed by the petitioners, continue unabated and uninterrupted and are likely to continue in future with indefinite ending date in the State and, therefore, there is no question of throwing the petitioners out of the job on the principle of their employment being co-terminous with the life of the project itself and since they have served for 10 to 14 years and these facts being undisputed, the petitioners are entitled to the claimed relief in the nature of mandamus to be issued against the respondents for regularising the services of the petitioners so that S.B. CIVIL WRIT PETITION NO.2329/2014. Smt. Nisha Mathur & Ors. Vs. State of Rajasthan & Ors. (Alongwith 58 other connected matter as mentioned in Schedule) Date of Judgment :

28. 07.2014 6/33 they can get the regular pay-scales and revision of pay from time to time and other service benefits which flow to the regularly appointed government servants.

8. The learned counsel for the petitioners rued that the petitioners are still serving the respondent State in the Department of Medical and Health for more than 10 to 13 years and get only Rs.6,600/- per month with an annual increase of 10%, however, they got only Rs. 3,500/- on their initial appointment whereas, now if the Medical and Health Department of the State was to engage ANMs/Health Workers (Female) on contractual basis, they have recently advertised the increased honorarium at Rs. 13,050/- per month. They relied upon the Advertisement No.19122 (4) dated 27.09.2013 in CW No.4235/2014 : Oma Devi Vs. State of Rajasthan Ors. issued by the Principal and Controller of Dr. Sampurnand Medical College, Jodhpur for the posts of Nurse Gr. II 825 posts newly created. This anomaly in their monthly fixed honorarium has no explanation from the side of the respondent State and the learned counsels urged that for such paltry sum of Rs.6,600/- per month, it is very difficult for the petitioners to make their both ends

meet and unless, they are regularised under the directions of this Court or by the act of the respondent State itself, in the absence of the regular pay-scales and other service benefits, it is a clear case of exploitation of the petitioners putting them in a totally disadvantageous position, having no voice or bargaining power available with them against the mighty State but to accept even the meagre amount of Rs.3,500/- per month at the initial stage and now S.B. CIVIL WRIT PETITION NO.2329/2014. Smt. Nisha Mathur & Ors. Vs. State of Rajasthan & Ors. (Alongwith 58 other connected matter as mentioned in Schedule) Date of Judgment :

28. 07.2014 7/33 after completing more than 10 to 14 years of services with the respondent State, they get a paltry sum of Rs. 6,600/- per month only.

9. They also submitted that if the contention of the respondent State was to be accepted as true and legally sustainable and if the respondent State announces the ending date of any one particular project like RCH and if the petitioners were to be thrown out of the job, it would be very difficult for the petitioners to seek alternative employment as most of them have become over-age and that they will have no place to go and to seek new employment and this kind of unfair practices cannot be accepted by the Court on behalf of the respondent State. The learned counsels for the petitioners have also relied upon a large number of cases decided by the Hon'ble Supreme Court. The principal, amongst them, being : (i) Secretary, State of Karnataka Vs. Umadevi : (2006) 4 SCC1 (ii) Nihal Singh & Ors. Vs. State of Punjab & Ors. : (2013) 14 SCC65 (iii) State of Karnataka & Ors. Vs. M.L. Kesari & Ors. : (2010) 9 SCC247 (iv) State of Jharkhand & Ors. Vs. Kamal Prasad & Ors. :

2014. AIR SCW2513 (v) Amarendra Kumar Mohapatra & Ors. Vs. State of Orissa & Ors. :

2014. AIR SCW1894 (vi) Air India Statutory Corporation & Ors. Vs. United Labour Union & Ors. : (1997) 9 SCC377 (vii) Piyu Datta Vs. State of West Bengal & Ors. : Civil Appeal S.B. CIVIL WRIT PETITION NO.2329/2014. Smt. Nisha Mathur & Ors. Vs. State of Rajasthan & Ors. (Alongwith 58 other connected matter as mentioned in Schedule) Date of Judgment :

28. 07.2014 8/33 No.3177/2010, decided 29.02.2012 by the Hon'ble Supreme Court (viii) Rajendra Kumar Vs. State of Rajasthan & Ors. : CW No.4567/2012, decided on 27.03.2014 (ix) Ratan Singh Shaktawat Vs. Maharana Pratap University of Agriculture & Technology, Udaipur & Ors. : CW No.3090/2006, decided on 06.09.2013 (x) Shanker Lal Khatik Vs. State of Rajasthan & Ors. : CW No.1806/2014, decided on 13.03.2014 (xi) Resident Engineer, Rajasthan Housing Board, Pali Vs. Judge, Industrial Disputes Tribunal & Anr. : CW No.11506/2010, decided on 03.01.2011 (xii) Mangi Lal Lohar Vs. Maharana Pratap University & Ors., CW No.12849/2011, decided on 10.09.2013 (xiii) Suman & Ors. Vs. State of Rajasthan & Ors. : CW No.7465/2006, decided on 05.03.2014, (xiv) Dr. Vijay Singh Pareek Vs. The Registrar, Mohan Lal Sukhadia University, Udaipur & Anr. : CW No.9889/2008, decided on 06.01.2014 (xv) Registrar, Mohanlal Sukhadia University, Udaipur Vs. Dr. Vijay Pareek : SAW No.440/2014, decided on 20.05.2014 (xvi) Dr. Yamuna Shanker Sharma Vs. Mohan Lal Sukhadia University, Udaipur & Ors. : CW No.8742/2011, decided on 21.04.2014 (xvii) Yashwant Singh Vs. State of Rajasthan & Ors. : CW No.9324/2010, decided on 20.02.2014 S.B. CIVIL WRIT PETITION NO.2329/2014. Smt. Nisha Mathur & Ors. Vs. State of Rajasthan & Ors. (Alongwith 58 other connected matter as mentioned in Schedule) Date of Judgment :

28. 07.2014 9/33 The learned counsels have also relied upon some of the orders passed by this Court directing the respondent State to consider the case of the petitioners for regularising their services in the cases where the contractual employees or employees appointed on ad-hoc basis or temporary basis but have completed 10 years of continuous service with the respondent State. They also relied upon the letter dated 29.03.2007 (Annex.

10) in CW No.3338/2014 : Seema Tak Vs. State of Rajasthan & Ors. by which the Joint Director (Nursing) of Medical and Health Department specifically stated that the case for regularisation of Nursing Staff is under consideration of the State. But, somehow no action in pursuance of such orders and directions has been taken by the respondent State to regularise the services of even those petitioners.

10. On the other hand, Dr. P.S. Bhati, the learned Additional Advocate General appearing for the State of Rajasthan, has relied upon the judgment of the Hon'ble Supreme Court in the cases of : (i) Mohd. Abdul Kadir & Anr. Vs. Director General of Police, Assam & Ors. : (2009) 6 SCC611(ii) Brij Mohan Lal Vs. Union of India & Ors. : (2012) 6 SCC502(iii) Lal Mohammad & Ors. Vs. Indian Railway Construction Co. Ltd. & Ors. : (2007) 2 SCC513(iv) State of Rajasthan & Ors. Vs. Daya Lal & Ors. : (2011) 2 SCC42911. I have heard the learned counsels at length and perused the record and the case laws cited at the bar.

12. The bulk of litigation in service jurisprudence coming to the S.B. CIVIL WRIT PETITION NO.2329/2014. Smt. Nisha Mathur & Ors. Vs. State of Rajasthan & Ors. (Alongwith 58 other connected matter as mentioned in Schedule) Date of Judgment :

28. 07.2014 10/33 Courts of Law is because of the problem of short-term, project based and temporary employment of various persons at various levels especially at lower levels and for lowly paid posts. In view of the rising unemployment of the youth, professionally or otherwise fully qualified with absolutely no bargaining power available with them against the mighty State, they rush for seeking such employments even though the payments made to them on month to month basis can hardly be said to be fair wages. They rush and seek such employments to make their both ends meet and to satisfy their basic needs and family needs. The contractual employments with no security of employment or fixed tenure guaranteed, such employees with a Damocles' sword hanging on their heads, keep on seeking the protection of the Courts to somehow seek a continuity of their employment and if they have served for a long periods for 10 years or more taken as a demarcation line after the land-mark judgment of the Constitution Bench of the Hon'ble Supreme Court in the case of Uma Devi (supra), they seek the relief of regularisation and grant of regular pay-scales.

13. It is true that the State Government launches various projects and schemes with a view to provide employment to the youth of the country in various fields, the State engages the youth in various projects like MNAREGA, National Rural Health Mission ('NRHM'), Water Conservation etc. The various schemes and projects are

given different names and are managed and funded by the State Government, may be diverted from the aids made available to them by World Bank, WHO or even by the taxes raised by the Central S.B. CIVIL WRIT PETITION NO.2329/2014. Smt. Nisha Mathur & Ors. Vs. State of Rajasthan & Ors. (Alongwith 58 other connected matter as mentioned in Schedule) Date of Judgment :

28. 07.2014 11/33 Government or the State Government but the fact remains that the persons like the present ANMs or Health Workers (Female) are sometimes continued for such short-time or for the period extended from time to time but in a continuous or uninterrupted manner, they continue to serve the respondent State for a long period. The undisputed facts in the present case, as stated above, are that the petitioners have continued to work as ANMs/Health Workers in the same project RCH or other projects in various Primary Health Centres ('PHCs') and Community Health Centres ('CHCs') of rural areas in the State of Rajasthan for more than 10 years or even upto 14 years but still get the monthly fixed honorarium of around of Rs.6,600/- per month only. The said amount, going by the present rate of inflation and cost index, is hardly enough to feed even two persons the daily bread even without the butter.

14. The welfare State is, of course, not expected to deliberately do so and the State has to work within the constraints of availability of finances but at the same time, the respondent State also cannot shirk or throw away its obligation to ensure that the employed persons get fair wages and there is no hostile discrimination or arbitrary exploitation resulting from such contractual employments without any security of tenure or period rendering them ineligible to seek alternative employment elsewhere, if the State decides to discontinue their contractual employment and plead that their contract is coterminous with the life of the project in question.

15. The undisputed fact is that the present contractual employees working as ANMs/Health Workers (Female) are discharging the S.B. CIVIL WRIT PETITION NO.2329/2014. Smt. Nisha Mathur & Ors. Vs. State of Rajasthan & Ors. (Alongwith 58 other connected matter as mentioned in Schedule) Date of

Judgment :

28. 07.2014 12/33 same duties and work which the regularly employed Nurses Gr.II persons undertake and they do their duties in the same kind of Government Hospitals, Community Health Centres or Primary Health Centres. There is no distinction in their work or nature of duties. The only difference is the source of their employment, may be, contractual or direct regular recruitment at different points of time. One can very well imagine the heart burning and hostile discrimination, if a person appointed on regular basis against a substantive vacancy gets paid X amount, whereas persons like the petitioners get only one-fourth or even half of the emoluments of the amount, merely because he or she was appointed on a temporary basis on a contractual basis under a particular project. The State has utterly failed in present case even to satisfy the Court with any semblance of reasoning that an ANM/Health Worker appointed 10 to 12 years back in the year 2003 with 10% annual increase now gets only Rs.6,600/- per month, but a contractually employed ANM/Health Worker or Nurse Grade-II appointed now in the year 2014 would get Rs.13,050/- per month under the same project which requires same qualifications and in the same nature of work but the difference is palpable and intolerable.

16. The learned Additional Advocate General was unable to negative the contention raised on behalf of the petitioners that while regularly appointed Nurses of Gr.II also work in Urban and Rural Government Hospitals in the same manner as the persons engaged on the contractual basis in a rural areas under the same project RCH or other schemes and, therefore, how the difference in pay can be S.B. CIVIL WRIT PETITION NO.2329/2014. Smt. Nisha Mathur & Ors. Vs. State of Rajasthan & Ors. (Alongwith 58 other connected matter as mentioned in Schedule) Date of Judgment :

28. 07.2014 13/33 explained.

17. The contention of the State that the present posts against which the present petitioners have been given contractual appointment are also not the encadred posts cannot also be countenanced to justify their contention. If the State has failed to notify the vacancies from time to time regularly and encadre such

increased number of posts, their failure to do such an administrative work cannot, therefore, be allowed to be taken as a defence against the reliefs claimed by the present petitioners. What it takes to encadre the number of posts, taking into account the number of workers required to be employed for the specified project or projects for discharging of the duties of the Nurses in the Hospitals in Urban as well as Rural areas and then notify the same. There is no bar on the State to notify the same sanctioned posts of ANMs in the various projects as cadre posts. This is a purely an administrative work required to be undertaken by the respondent State while planning for their infrastructure comprising of various personnel required for the health care of the citizens which is a constitutional mandate under the Constitution enshrined under Article 21 of the Constitution of India. If the State does not do its administrative work regularly in a well planned manner and which is provided and mandated by all concerned Service Rules also viz. to determine the vacancies on an annual basis and notify the same, they cannot successfully defend their act of appointing the employees on a temporary or contractual basis for long years and under the garb of such plea of projects having limited life or financial constraints, be allowed to exploit the S.B. CIVIL WRIT PETITION NO.2329/2014. Smt. Nisha Mathur & Ors. Vs. State of Rajasthan & Ors. (Alongwith 58 other connected matter as mentioned in Schedule) Date of Judgment :

28. 07.2014 14/33 unemployed youth of the country in such a manner.

18. Now a brief discussion of some of the important judgments cited at the bar is found opportune.

19. CASE LAWS RELIED UPON BY THE PETITIONERS' SIDE: (1) In the case of Secretary, State of Karnataka Vs. Umadevi (supra), Para-53 was relied upon by the learned counsels for the petitioners. The said Para-53 is of repeated and is reproduced once again below for ready reference:- On aspect needs to be clarified. There may be cases of irregular appointments (not illegal appointments) as explained in S.B. Nagarajan and referred to in para 15 above, of duly qualified persons in duly sanctioned vacant posts might have been made and the employees have continued to work for ten years or more but without the

intervention of orders of the courts or of tribunals. The question of regularization of the services of such employees may have to be considered on merits in the light of the principles settled by this Court in the cases above referred to and in the light of this judgment. In that context, the Union of India, the State Governments and their instrumentalities should take steps to regularize as a one-time measure, the services of such irregularly appointed, who have worked for ten years or more in duly sanctioned posts but not under cover of orders of the courts or of tribunals and should further ensure that regular recruitments are undertaken to fill those vacant sanctioned posts that require to be filled up, in cases where temporary employees or daily wagers are being now employed. The process must be set in motion within six months from S.B. CIVIL WRIT PETITION NO.2329/2014. Smt. Nisha Mathur & Ors. Vs. State of Rajasthan & Ors. (Alongwith 58 other connected matter as mentioned in Schedule) Date of Judgment :

28. 07.2014 15/33 this date. We also clarify that regularization, if any already made, but not sub judice, need not be reopened based on this judgment, but there should be no further bypassing of the constitutional requirement and regularizing or making permanent, those not duly appointed as per the constitutional scheme.

. The exception carved out by the Hon'ble Supreme Court in para 53 of the aforesaid Constitution Bench Judgment in the case of Uma Devi (supra) was with a purpose, while the main ratio of the judgment was prohibiting the regularisation of such ad-hoc appointed persons who have been appointed irregularly but not illegally and the purpose was that if any ad-hoc employee, in any manner, even if a irregularly appointed person has served the State for more than 10 years then, to ensure the security of employment, if the sanctioned posts are available and if the initial appointment was not illegal in any manner, they can be regularised as a one time measure. This exception carved out in Para-53 by the Hon'ble Supreme Court in the Constitution Bench Judgment is applicable to the facts of the present cases with full force because not only the sanctioned posts against which the present petitioners were appointed but they were duly screened and selected for such appointments and indisputably they all possess the eligibility qualifications and there is no material placed on record by the respondents that their services have been lacking or bear any blemish during the past 10 to 12 years. (2) In the

case of Nihal Singh & Ors. Vs. State of Punjab & Ors. : (2013) 14 SCC65 the Hon'ble Supreme Court dealt with a S.B. CIVIL WRIT PETITION NO.2329/2014. Smt. Nisha Mathur & Ors. Vs. State of Rajasthan & Ors. (Alongwith 58 other connected matter as mentioned in Schedule) Date of Judgment :

28. 07.2014 16/33 case for regularisation of Special Police Officers (SPOs) appointed to check the large-scale disturbance in the State of Punjab in the year 1980s. The SPOs were ex-servicemen and were appointed to provide security to the Banks. After the period of 10 years, they claimed regularisation. The Banks agreed to bear any additional financial burden, if such new posts were required to be created and any financial burden came on the State and in these circumstances, the Hon'ble Supreme Court directed the absorption of the Special Police Officers in the services of the State of Punjab, holding as under:-

35. Therefore, it is clear that the existence of the need for creation of the posts is a relevant factor with reference to which the executive government is required to take rational decision based on relevant consideration. In our opinion, when the facts such as the ones obtaining in the instant case demonstrate that there is need for the creation of posts, the failure of the executive government to apply its mind and take a decision to create posts or stop extracting work from persons such as the appellants herein for decades together itself would be arbitrary action (inaction) on the part of the State.

36. The other factor which the State is required to keep in mind while creating or abolishing posts is the financial implications involved in such a decision. The creation of posts necessarily means additional financial burden on the exchequer of the State. Depending upon the priorities of the State, the allocation of the finances is no doubt exclusively within the domain of the legislature. However in the instant case creation of new S.B. CIVIL WRIT PETITION NO.2329/2014. Smt. Nisha Mathur & Ors. Vs. State of Rajasthan & Ors. (Alongwith 58 other connected matter as mentioned in Schedule) Date of Judgment :

28. 07.2014 17/33 posts would not create any additional financial burden to the State as the various banks at whose disposal the services of each of the appellants is made available have agreed to bear the burden. If absorbing the

appellants into the services of the State and providing benefits on a par with the police officers of similar rank employed by the State results in further financial commitment it is open for the State to demand the banks to meet such additional burden. Apparently no such demand has ever been made by the State. The result is - the various banks which avail the services of these appellants enjoy the supply of cheap labour over a period of decades. It is also pertinent to notice that these banks are public sector banks.

37. We are of the opinion that neither the Government of Punjab nor these public sector banks can continue such a practice consistent with their obligation to function in accordance with the Constitution. Umadevi (3) judgment cannot become a licence for exploitation by the State and its instrumentalities.

38. For all the abovementioned reasons, we are of the opinion that the appellants are entitled to be absorbed in the services of the State. The appeals are accordingly allowed. The judgments under appeal are set aside.

. (3) In the case of State of Karnataka & Ors. Vs. M.L. Kesari & Ors. : (2010) 9 SCC247 explaining the difference between the 'irregular' and 'illegal' appointments discussed in Para-53 in the case of Uma Devi (supra), the Hon'ble Supreme Court held that the appointments of qualified persons made against sanctioned posts without following the process of open competition are irregular S.B. CIVIL WRIT PETITION NO.2329/2014. Smt. Nisha Mathur & Ors. Vs. State of Rajasthan & Ors. (Alongwith 58 other connected matter as mentioned in Schedule) Date of Judgment :

28. 07.2014 18/33 appointments, whereas the appointments made not against the sanctioned posts or appointments of unqualified persons are illegal appointments. It is only the irregular appointees who are entitled to regularisation in terms of Para-53 of Uma Devi's (supra) judgment and the Hon'ble Supreme Court, therefore, directed regularisation of such appointees appointed on daily wages by Zila Panchayats as Typists, Literate Assistants and Watchman etc. who completed more than 15 years of their services on such posts. Reiterating the conditions for regularisation in Para-7 of the judgment, the Hon'ble Supreme Court has held as under:-

7. It is evident from the above that there is an exception to the general principles against regularisation. enunciated in Umadevi (3), if the following conditions are fulfilled: (i) The employee concerned should have worked for 10 years or more in duly sanctioned post without the benefit or protection of the interim order of any court or tribunal. In other words, the State Government or its instrumentality should have employed the employee and continued him in service voluntarily and continuously for more than ten years. (ii) The appointment of such employee should not be illegal, even if irregular. Where the appointments are not made or continued against sanctioned posts or where the persons appointed do not possess the prescribed minimum qualifications, the appointments will be considered to be illegal. But where the person S.B. CIVIL WRIT PETITION NO.2329/2014. Smt. Nisha Mathur & Ors. Vs. State of Rajasthan & Ors. (Alongwith 58 other connected matter as mentioned in Schedule) Date of Judgment :

28. 07.2014 19/33 employed possessed the prescribed qualifications and was working against sanctioned posts, but had been selected without undergoing the process of open competitive selection, such appointments are considered to be irregular.. 20. CASE LAWS RELIED UPON BY THE RESPONDENTS' SIDE: (1) The respondent-State mainly relied upon the judgment of the Hon'ble Supreme Court in the case of Mohd. Abdul Kadir & Anr. Vs. Director General of Police, Assam & Ors. : (2009) 6 SCC611 in which, a Two Judges Bench of the Hon'ble Supreme Court dealing with the case for regularisation of the ex-servicemen employee as Police Personnels under Prevention of Infiltrations of Foreigners Additional Scheme, 1987 (PIF Additional Scheme) in the State of Assam for strengthening the Assam Government machinery for detection and deportation of foreigners way back in the year 1960 and the said scheme was extended from time to time and was in force even upto now and additional posts were sanctioned by the President under the said PIF Scheme :

5. Inspectors, 323 Sub- Inspectors, 306 Constables and 646 Constables and the Government of India agreed to reimburse the cost of pay and allowances of persons employed in the additional posts provided all the additional posts were filled by only ex-servicemen. The appointments were purely on ad hoc and

temporary basis and that they could be discharged without assigning any reason or notice, in any contingency in future. The Inspector General of Police (Border), S.B. CIVIL WRIT PETITION NO.2329/2014. Smt. Nisha Mathur & Ors. Vs. State of Rajasthan & Ors. (Alongwith 58 other connected matter as mentioned in Schedule) Date of Judgment :

28. 07.2014 20/33 Assam issued a Circular dated 17.03.1995 laying down a particular procedure for appointment/continuation of ex-servicemen as ad-hoc border staff. Aggrieved by the process of termination and reappointment introduced by the said Circular dated 17.03.1995 such ad-hoc employees approached the Court seeking regularisation. Negating the said claim of the petitioners, the Hon'ble Supreme Court held as under:-

13. The fact that the appellants were employed under the PIF Additional Scheme is not disputed. The duration of the PIF Additional Scheme under which they are employed was initially two years, to be reviewed for continuation along with the original PIF Scheme. The said Scheme is being extended from time to time and is being continued. If the temporary or ad hoc engagement or appointment is in connection with a particular project or a specific scheme, the ad hoc or temporary service of the persons employed under the project or scheme would come to an end, on completion/closure/cessation of the project or the scheme.

14. The fact that the Scheme had been in operation for some decades or that the employee concerned has continued on ad hoc basis for one or two decades would not entitle the employee to seek permanency or regularisation. Even if any posts are sanctioned with reference to the Scheme, such sanction is of ad hoc or temporary posts coterminous with the Scheme and not of permanent posts.

15. On completion of the project or discontinuance of S.B. CIVIL WRIT PETITION NO.2329/2014. Smt. Nisha Mathur & Ors. Vs. State of Rajasthan & Ors. (Alongwith 58 other connected matter as mentioned in Schedule) Date of Judgment :

28. 07.2014 21/33 the scheme, those who were engaged with reference to or in connection with such project or scheme cannot claim any right to continue in

service, nor seek regularisation in some other project or service. [See Bhagwan Dass v. State of Haryana, Delhi Development Horticulture Employees' Union v. Delhi Admn., Hindustan Steel Works Construction Ltd. v. Employees' Union, U.P. Land Development Corpn. v. Amar Singh, Madhyamik Shiksha Parishad, U.P. v. Anil Kumar Mishra, State of Karnataka v. Umadevi (3), Indian Council of Medical Research v. K. Rajyalakshmi and Lal Mohammad v. Indian Railway Construction Co. Ltd.]. In view of this settled position, the appellants will not be entitled to regularisation.

. But the Hon'ble Supreme Court also quashed the Circular dated 17.03.1995 holding that the said Circular created artificial breaks in the process of termination and re-appointment every year. Para-18 of the judgment is also quoted below for ready reference:-

18. We are therefore of the view that the learned Single Judge was justified in observing that the process of termination and reappointment every year should be avoided and the appellants should be continued as long as the Scheme continues, but purely on ad hoc and temporary basis, coterminous with the Scheme. The Circular dated 17-3-1995 directing artificial breaks by annual termination followed by fresh appointment, being contrary to the PIF Additional Scheme and contrary to the principles of service jurisprudence, is liable to be quashed.

. S.B. CIVIL WRIT PETITION NO.2329/2014. Smt. Nisha Mathur & Ors. Vs. State of Rajasthan & Ors. (Alongwith 58 other connected matter as mentioned in Schedule) Date of Judgment :

28. 07.2014 22/33 Most importantly, in Para-20, the Hon'ble Supreme Court cautioned that if the task under the Scheme is perennial, there is no point in executing it as a temporary scheme, though to start with it might have been thought that the task was a short-term task. Para- 20 of the judgment is also worth nothing and the same is quoted below for ready reference:-

20. The PIF Scheme has been in force for nearly five decades. The PIF Additional Scheme has been in force for more than two decades. The object of the Scheme is detection and deportation of illegal immigrants/fresh infiltrators/re-infiltrators,

establishment of second line of defence on Assam-Bangladesh Border to man the areas not covered by Border Security Force and monitoring the occurrences on international border. The staff entrusted with such sensitive functions and duties can work wholeheartedly and with commitment in adverse and hostile conditions only if they have security of tenure, without having to constantly worry about their future. If the task under the Scheme is perennial, there is no point in executing it as a temporary' scheme, though to start with it might have been thought that the task was a short-term task.

. (2) Similarly, in a later judgment, the Hon'ble Supreme Court in the case of Brij Mohan Lal Vs. Union of India & Ors. : (2012) 6 SCC502 dealing with the claim of regularisation of the Presiding Officers appointed on ad-hoc basis to man the Fast Track Courts created by the Central Government to reduce the arrears of the pending cases and to fast track the sessions trials, the Hon'ble S.B. CIVIL WRIT PETITION NO.2329/2014. Smt. Nisha Mathur & Ors. Vs. State of Rajasthan & Ors. (Alongwith 58 other connected matter as mentioned in Schedule) Date of Judgment :

28. 07.2014 23/33 Supreme Court again negated their claim too with a word of caution to the respondent Union of India. While not striking down the Policy Decision of the Central Government to discontinue the Fast Track Court Scheme beyond 31.03.2011 and left it open for the respective States to decide whether they want to continue with the Fast Track Court on their own finances or not. While some States continued Fast Track Court system but most of the States discontinued the same. Upon the recommendations of the 13th Finance Commission to grant a sum of Rs.5,000 crores to the States for improving the justice delivery system in the country and out of this sum of Rs.5,000 crores, a sum of Rs.2,500 crores was allotted for operation of morning/evening/shift courts but no amount was allotted for Fast Track Courts, the Hon'ble Supreme Court held that such Presiding Officers could not claim regularisation in the regular cadre of the Higher Judicial Services of the respective States but at the same time, the Court directed the respondents - State and the Central Government to create 10% of the total regular cadre of the State as additional posts and take up the process for filling up such additional vacancies as per the Higher Judicial Service and

Judicial Services Rules of that State immediately. Giving the background of creation of Fast Track Courts, which was as a result of the earlier judgment of the same appellants Brij Mohan Lal in the year (2002) and one in the case of Madhumita Das (2008), the Hon'ble Supreme Court held as under:- The orders of the Supreme Court in Brij Mohan Lal, (2002) 5 SCC1 and interim order passed in S.B. CIVIL WRIT PETITION NO.2329/2014. Smt. Nisha Mathur & Ors. Vs. State of Rajasthan & Ors. (Alongwith 58 other connected matter as mentioned in Schedule) Date of Judgment :

28. 07.2014 24/33 Madhumita Das, (2008) 6 SCC731 must be seen in light of the fact that the Union of India, as well as the State Governments of their own, extended the FTC Scheme for another five years i.e. till 2010 and thereafter, by another year. The Central Government ultimately took the decision not to finance the FTC Scheme with effect from 30-3-2011. Even thereafter, a number of States have taken the decision to continue the FTC Scheme while retaining the appointees thereto till 2012, 2013 and even till 2016. The cumulative effect of all these factors is that the petitioners had a legitimate expectation that either their services would be continued as the FTC Scheme would be made a permanent feature of the justice administration in the State concerned or they would be absorbed in the regular cadre. But mere expectation or even legitimate expectation of absorption cannot be a cause of action for claiming the relief of regularisation, particularly when the same is contrary to the Rules and letters of appointment. In Madhumita Das, the protection was granted in an interim order and such directions cannot be issued, if they are contrary to the enacted statute. When all these facts, circumstances and the judgments of the Supreme Court are harmoniously construed with an intention to do complete justice as well as to protect the fundamental rights and protections available to the public at large, it would appear necessary that the Court pass certain directions. (Paras 205 and 206). But the prayer for regularisation of service or absorption of the S.B. CIVIL WRIT PETITION NO.2329/2014. Smt. Nisha Mathur & Ors. Vs. State of Rajasthan & Ors. (Alongwith 58 other connected matter as mentioned in Schedule) Date of Judgment :

28. 07.2014 25/33 petitioners-appointees was negated by holding as under:- The prayer for regularisation of service and absorption of the petitioner appointees against the vacancies appearing in the regular cadre has been made not only in cases involving the case of the State of Orissa, but even in other States. Absorption in service is not a right. Regularisation also is not a statutory or a legal right enforceable by the persons appointed under different rules to different posts. Regularisation shall depend upon the facts and circumstances of a given case as well as the relevant rules applicable to such class of persons. As already noticed, on earlier occasions also, relief of regularisation has been denied of the persons and workmen who had been appointed against a particular scheme or project. In matters of public employment, absorption, regularisation or permanent continuance of temporary, contractual or casual daily wage or ad hoc employees appointed and continued for long in such public employment would be dehors the constitutional scheme of public employment and would be improper. It would also not be proper to stay the regular recruitment process for the posts concerned. (Paras 172 and

173) State of Karnataka v. Umadevi (3), (2006) 4 SCC1:

2006. SCC (L&S) 753, applied. The direction to create additional posts for maintaining the process of quick justice delivery system and strengthening the justice delivery system, the Hon'ble Supreme Court gave following directions:- S.B. CIVIL WRIT PETITION NO.2329/2014. Smt. Nisha Mathur & Ors. Vs. State of Rajasthan & Ors. (Alongwith 58 other connected matter as mentioned in Schedule) Date of Judgment :

28. 07.2014 26/33

11. Keeping in view constitutional mandate to provide fair and expeditious trial to all litigants and the citizens of the country, the respective States and the Central Government are directed to create 10% of the total regular cadre of the State as additional posts and take up the process for filling such additional vacancies as per Higher Judicial Service and Judicial Services Rules of that State, immediately thereafter. (Para 207). The distinguishing feature of the aforesaid judgment with the facts of the present case can be noticed in the following abstract in the head

note of Paras 78, 80 and 85 of the judgment which are quoted hereinbelow for ready reference:-Where neither the post is sanctioned nor is permanent and, in fact, the entire arrangement is ad hoc or is for an uncertain duration, it cannot create any rights and obligations in favour of the appointees, akin to those of permanent employees. There should be a right vested in an employee, which is duly recognised and declared in accordance with the Rules governing the conditions of service of such employee before relief is granted. Unless the government employee holds any status as aforeindicated, it may not be possible to grant relief to the government employee, particularly, when such relief is not provided under the relevant Rules.. 21. Thus, both these judgments denied the claim of regularisation to the petitioners and appellants even though they had completed more than 10 years of ad hoc employment mainly because there were no sanctioned posts against which such persons were S.B. CIVIL WRIT PETITION NO.2329/2014. Smt. Nisha Mathur & Ors. Vs. State of Rajasthan & Ors. (Alongwith 58 other connected matter as mentioned in Schedule) Date of Judgment :

28. 07.2014 27/33 appointed. In the present case, admittedly and indisputably, the ANMs and Health Workers (Female) were appointed against the duly sanctioned posts. There was neither any irregularity much less illegality in their appointment. The fact remains that they were, though initially appointed for a specific project of RCH which project itself is continuing even now as the learned Additional Advocate General stated that the project RCH is likely to run upto the year 2017 and perhaps beyond that as of now but the petitioners are discharging their duties at par with Nurse Gr.II in Government Hospitals in rural areas in the Primary Health Centres and Community Health Centres. The said posts have neither been abolished nor they were the fixed tenure posts. The abolition of these posts is also not envisaged with the ending of the RCH project itself and as candidly submitted by the learned Additional Advocate General that the different schemes are run by the State for medical and health care of the citizens and residents of the State and the focus and funds can be diverted to other schemes from time to time, since a large number of such schemes in different names and styles are in existence in the State as of now as pointed out by the learned counsels for the petitioners in the additional affidavit filed by the petitioners. In Para-5, they stated that the RCH

Scheme cannot be termed as a project and, in fact, multiple sub-programmes run under the Medical and Health Department like Family Planning Programme, Blood Slide Collection, Vaccination, National Programme like Pulse-Polio, School Health Programme, Various Survey, Cattle Death Survey, Sterilization Programme, Eligible S.B. CIVIL WRIT PETITION NO.2329/2014. Smt. Nisha Mathur & Ors. Vs. State of Rajasthan & Ors. (Alongwith 58 other connected matter as mentioned in Schedule) Date of Judgment :

28. 07.2014 28/33 Couple Survey, Malaria Survey, Chlorination, Water Sample Collection, Handicap Survey, Assistance in Institutional Deliveries, Works in DOTS, Family Welfare Programmes, Attending Gram Secretariat Meeting, Sputum Collection in Tuberculosis Programme, Attending PHC Meeting, Attending Monthly Block Meeting, and other programmes run by the State Government and Central Government time to time.

23. If such a large number of schemes under the flagship programme of NRHM which is continuing perennially, the respondent State cannot contend that the employment of the present petitioners will be coterminous with the said RCH project or scheme and, therefore, the hanging sword of Damocles' cannot be kept on the head of these petitioners. This Court has already observed above, that the State was bound to determine the vacancies and create more encadred posts for providing the medical health care to its residents and citizens which is a constitutional mandate under Article 21 of the Constitution of India and their failure to do so cannot furnish any basis for exploiting the present petitioners by putting them on a minimal monthly sum and by keeping their employment perenially ad-hoc on renewable contract basis.

24. Therefore, not only the weight of legal precedents is in favour of the petitioners but the facts of the case also clearly speak volumes that the claim of the petitioners for regularisation against such sanctioned posts of ANMs/Health Workers (Female) is justified and deserves to be allowed. They are also entitled to the grant of regular pay-scale of ANM/Nurse Grade II. The writ petitions thus deserve S.B. CIVIL WRIT PETITION NO.2329/2014. Smt. Nisha Mathur & Ors. Vs. State of Rajasthan & Ors. (Alongwith 58 other connected matter as mentioned

in Schedule) Date of Judgment :

28. 07.2014 29/33 acceptance by this Court.

25. The writ petitions are, accordingly, allowed. No order as to costs. The respondents are directed to regularise the services of all the present petitioners as ANMs/Health Workers (Female) within a period of three months from today and give them the regular pay- scale with prospective effect immediately. Petitioners shall, however, be not entitled for arrears on this account. The same relief will extend even to all such other similarly situated ANMs without any need for them to approach this Court as that would unnecessarily flood the dockets of this Court and will consume the time and money of such lowly paid employees. The respondents will extend same benefit to all similarly situated persons viz. ANMs without requiring them to obtain separate Court's order in individual cases, as this judgment has to be treated as a judgment-in-rem for all such ANMs who have completed more than 10 years of uninterrupted service by now.

26. A copy of this order be sent to the concerned parties forthwith. (Dr. VINEET KOTHARI), J.

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28. 07.2014 30/33 SCHEDULE (1) S.B. Civil Writ Petition No.4359/2014 Smt. Savita Vs. State of Rajasthan & Ors. & (2) S.B. Civil Writ Petition No.7473/2006 Smt. Vimlesh Sharma & Ors. Vs. State of Rajasthan & Ors. & (3) S.B. Civil Writ Petition No.282/2007 Saroj Singh & Ors. Vs. State of Rajasthan & Ors. & (4) S.B. Civil Writ Petition No.1426/2007 Suresh Tak & Ors. Vs. State of Rajasthan & Ors. & (5) S.B. Civil Writ Petition No.4152/2007 Usha Dagar & Ors. Vs. State of Rajasthan & Ors. & (6) S.B. Civil Writ Petition No.4904/2007 Smt. Arti & Ors. Vs. State of Rajasthan & Ors. & (7) S.B. Civil Writ Petition No.4905/2007 Sharda Devi & Ors. Vs. State of Rajasthan & Ors. & (8) S.B. Civil Writ Petition No.4906/2007 Saroj Singh & Ors. Vs. State of Rajasthan & Ors. & (9) S.B. Civil Writ Petition No.2262/2014 Rekha Ahari Vs. State of Rajasthan & Ors. & (10) S.B. Civil Writ

Petition No.2337/2014 Smt. Manisha Sharma & Ors. Vs. State of Rajasthan & Ors. & (11) S.B. Civil Writ Petition No.2503/2014 Smt. Varsha Chhangani & Anr. Vs. State of Rajasthan & Ors. & (12) S.B. Civil Writ Petition No.2504/2014 Smt. Sumitra & Anr. Vs. State of Rajasthan & Ors. & (13) S.B. Civil Writ Petition No.2589/2014 Smt. Janak Kumari & Ors. Vs. State of Rajasthan & Ors. & (14) S.B. Civil Writ Petition No.2664/2014 Smt. Saroj Kumari & Ors. Vs. State of Rajasthan & Ors. & (15) S.B. Civil Writ Petition No.2679/2014 Smt. Roop Kanwar Rathore & Ors. Vs. State of Rajasthan & Ors. & (16) S.B. Civil Writ Petition No.2680/2014 Smt. Sushma Sharan & Ors. Vs. State of Rajasthan & Ors. & (17) S.B. Civil Writ Petition No.2681/2014 Smt. Jaya Hadat & Anr. Vs. State of Rajasthan & Ors. & (18) S.B. Civil Writ Petition No.2777/2014 Smt. Munni Devi & Anr. Vs. State of Rajasthan & Ors. S.B. CIVIL WRIT PETITION NO.2329/2014. Smt. Nisha Mathur & Ors. Vs. State of Rajasthan & Ors. (Alongwith 58 other connected matter as mentioned in Schedule) Date of Judgment :

28. 07.2014 31/33 & (19) S.B. Civil Writ Petition No.2785/2014 Smt. Nirmala & Ors. Vs. State of Rajasthan & Ors. & (20) S.B. Civil Writ Petition No.2794/2014 Smt. Shakuntala & Ors. Vs. State of Rajasthan & Ors. & (21) S.B. Civil Writ Petition No.2809/2014 Smt. Hema Chauhan & Ors. Vs. State of Rajasthan & Ors. & (22) S.B. Civil Writ Petition No.2996/2014 Smt. Pushpa Purohit & Ors. Vs. State of Rajasthan & Ors. & (23) S.B. Civil Writ Petition No.2997/2014 Smt. Menka & Ors. Vs. State of Rajasthan & Ors. & (24) S.B. Civil Writ Petition No.3001/2014 Smt. Indu Bala & Ors. Vs. State of Rajasthan & Ors. & (25) S.B. Civil Writ Petition No.3002/2014 Smt. Chander Kala & Ors. Vs. State of Rajasthan & Ors. & (26) S.B. Civil Writ Petition No.3011/2014 Smt. Randeep Kaur Vs. State of Rajasthan & Ors. & (27) S.B. Civil Writ Petition No.3012/2014 Smt. Krishna & Ors. Vs. State of Rajasthan & Ors. & (28) S.B. Civil Writ Petition No.3044/2014 Smt. Usha Sharma & Ors. Vs. State of Rajasthan & Ors. & (29) S.B. Civil Writ Petition No.3047/2014 Smt. Neeta Mali & Ors. Vs. State of Rajasthan & Ors. & (30) S.B. Civil Writ Petition No.3092/2014 Smt. Nita Kumari & Ors. Vs. State of Rajasthan & Ors. & (31) S.B. Civil Writ Petition No.3116/2014 Smt. Bindra & Ors. Vs. State of Rajasthan & Ors. & (32) S.B. Civil Writ Petition No.3155/2014 Sunita & Ors. Vs. State of Rajasthan & Ors. & (33) S.B. Civil Writ Petition No.3338/2014 Smt. Seema Tak Vs. State of Rajasthan & Ors. & (34) S.B. Civil Writ Petition No.3406/2014 Sarita Vs. State of

Rajasthan & Ors. & (35) S.B. Civil Writ Petition No.3657/2014 Pappu Devi Bishnoi Vs. State of Rajasthan & Ors. & (36) S.B. Civil Writ Petition No.4235/2014 Smt. Oma Devi Vs. State of Rajasthan & Ors. S.B. CIVIL WRIT PETITION NO.2329/2014. Smt. Nisha Mathur & Ors. Vs. State of Rajasthan & Ors. (Alongwith 58 other connected matter as mentioned in Schedule) Date of Judgment :

28. 07.2014 32/33 & (37) S.B. Civil Writ Petition No.4237/2014 Smt. Mamta Yadav Vs. State of Rajasthan & Ors. & (38) S.B. Civil Writ Petition No.4238/2014 Smt. Urmila Bai Vs. State of Rajasthan & Ors. & (39) S.B. Civil Writ Petition No.4239/2014 Smt. Sushila Rani Vs. State of Rajasthan & Ors. & (40) S.B. Civil Writ Petition No.4332/2014 Smt. Sunita Kumari Vs. State of Rajasthan & Ors. & (41) S.B. Civil Writ Petition No.4334/2014 Smt. Sunita Vs. State of Rajasthan & Ors. & (42) S.B. Civil Writ Petition No.4358/2014 Smt. Krishna Devi Vs. State of Rajasthan & Ors. & (43) S.B. Civil Writ Petition No.4360/2014 Smt. Sushila Kumari Vs. State of Rajasthan & Ors. & (44) S.B. Civil Writ Petition No.4333/2014 Smt. Mini K. Vs. State of Rajasthan & Ors. & (45) S.B. Civil Writ Petition No.2917/2014 Smt. Santoshi Kumari & Ors. Vs. State of Rajasthan & Ors. & (46) S.B. Civil Writ Petition No.5182/2014 Smt. Rama Rao Vs. State of Rajasthan & Ors. & (47) S.B. Civil Writ Petition No.5186/2014 Smt. Mamta Parmar & Ors. Vs. State of Rajasthan & Ors. & (48) S.B. Civil Writ Petition No.5201/2014 Smt. Meenaxi Panchal & Ors. Vs. State of Rajasthan & Ors. & (49) S.B. Civil Writ Petition No.1894/2014 Sunila Vs. State of Rajasthan & Ors. & (50) S.B. Civil Writ Petition No.2910/2014 Sanjana Goswami & Ors. Vs. State of Rajasthan & Ors. & (51) S.B. Civil Writ Petition No.7286/2009 Vidhya Bai Vs. State of Rajasthan & Ors. & (52) S.B. Civil Writ Petition No.5157/2014. Santosh Godara Vs. State of Rajasthan & Ors. & (53) S.B. Civil Writ Petition No.2759/2007. Savita Devi Vs. State of Rajasthan & Ors. & (54) S.B. Civil Writ Petition No.5299/2014. Smt. Savita Jangid Vs. State of Rajasthan & Ors. S.B. CIVIL WRIT PETITION NO.2329/2014. Smt. Nisha Mathur & Ors. Vs. State of Rajasthan & Ors. (Alongwith 58 other connected matter as mentioned in Schedule) Date of Judgment :

28. 07.2014 33/33 & (55) S.B. Civil Writ Petition No.5300/2014. Smt. Savita Kumari Vs. State of Rajasthan & Ors. & (56) S.B. Civil Writ Petition No.5307/2014.

Smt. Lata Patidar Vs. State of Rajasthan & Ors. & (57) S.B. Civil Writ Petition No.5310/2014. Smt. Geeta Rajona Vs. State of Rajasthan & Ors. & (58) S.B. Civil Writ Petition No.5314/2014. Smt. Sheetal Vs. State of Rajasthan & Ors.

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