



Reportable

HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR

D.B. Special Appeal Writ No. 1186/2026
CNR: RJHC010771232026 | URN: SAW / 2386U / 2026



1. State Of Rajasthan, Through Its Secretary, Ayurved And Indian Medicine Department, Government Of Rajasthan, Secretariat, Jaipur
2. Director, Ayurved Department, Ashok Marg, Lohagal Road, Savitri College Circle, Ajmer.
3. Additional Director (Admn.), Ayurved Department, Ashok Marg, Lohagal Road, Savitri College Circle, Ajmer.
4. The Registrar, Dr. Sarvepali Radhakrishnan Rajasthan Ayurved University, Karwar, Nagaur Road, Jodhpur (Raj.).
5. All India Institute Of Medical Sciences, Jodhpur, Through Its Director, Basni, Phase-II, Jodhpur.
6. The Superintendent, Mdm Hospital, Associated Hospital To Dr. S.N. Medical College, Jodhpur.

----Appellants

Versus

Mukesh Kumar Meena (Application Id- 202439498342) S/o Ramavatar Meena, Aged About 33 Years, (Physically Handicapped Candidate- Ld), Resident Of Near Talchhi Ki Puliya, Ward No. 17, Sangod, Tehsil Sangod, District Kota (Raj.)

----Respondent

For Appellant(s) : Mr. N.S. Rajpurohit, AAG
For Respondent(s) : Mr. Yashpal Khileree

HON'BLE MR. JUSTICE VINIT KUMAR MATHUR
HON'BLE MR. JUSTICE CHANDRA SHEKHAR SHARMA

Order

01/10/2026

Vinit Kumar Mathur, J.

The present appeal has been filed by the State of Rajasthan after a delay of 112 days and therefore, an application under Section 5 of the Limitation Act has been filed for condonation of the said delay.



2. The application under Section 5 of the Limitation Act is not opposed by the learned counsel for the respondent.

3. For the reasons mentioned in the application, the same is allowed. The delay of 112 days caused in filing the present appeal is condoned.

4. Heard learned counsel for the parties on the appeal itself.

5. The present appeal has been filed against the order dated 29.01.2026 passed by learned Single Bench whereby the writ petition filed by the petitioner-respondent was allowed and the appellants had been directed to offer appointment to the respondent-petitioner on the post of Compounder/Nurse Junior Grade in Ayurveda Department.

6. Briefly noted the facts of the present appeal are that the petitioner-respondent was selected for the post of Compounder/Nurse Junior Grade on and thereafter, the selection of the petitioner-respondent was cancelled vide order dated 08.09.2025. Against the order of cancellation, he preferred the writ petition before this Court.

7. The bone of contention before the learned Single Bench was whether the petitioner is suffering from disability in both legs of lower limb or the disability is only in one leg. Since, the condition of appointment was that if a person is having disability to the extent of 40% or more in one leg, he will be eligible for the post. The petitioner-respondent submitted a certificate of disablement to the extent of 50% in the left lower limb. On re-examination by the appellant authorities, it was found that disability suffered by the petitioner-respondent is in both the legs and therefore, he was ineligible for appointment on the post of Compounder/Nurse Junior





Grade. In pursuance of the submission made before this Court, the interim orders were passed whereby the respondent-petitioner was directed to be examined by a Medical Board of All India Institute of Medical Sciences (AIIMS) at Jodhpur.

8. In pursuance of the directions issued by the learned Single Bench, the respondent-petitioner was examined on two occasions by the Medical Board constituted at AIIMS. The reports of the Medical Board of AIIMS categorically stated that the petitioner-respondent is suffering from disability to the extent of 70% in the left lower limb and the right lower limb of the petitioner-respondent is not having any kind of disability.

9. In view of the reports submitted by the Medical Board of AIIMS, the learned Single Bench came to the conclusion that the petitioner-respondent is suffering disability only in the left leg to the extent of 70% and since he is not having any disability in right leg, therefore, he fulfills all the requisites qualifications of the advertisement for the post of Compounder/Nurse Junior Grade. Therefore, the writ petition was allowed and a direction was issued to the State for offering him appointment to the post of Compounder/Nurse Junior Grade.

10. The argument of the learned State Counsel is that the report of the examination conducted by the State functionaries is final and therefore, no other report can be relied upon for considering the disability of the respondent-petitioner in the light of the observations made by the Hon'ble Supreme Court in the case of ***State of Uttar Pradesh and Ors. vs. Ravindra Kumar Sharma and Ors.*** reported in **(2016) 4 Supreme Court Cases 791**. The learned counsel for the State very fairly submits that the reports



of Medical Board of AIIMS were never challenged and at the time of deciding the writ petition, no doubt was made on the reports of the Medical Board of AIIMS. He however, prays that the appeal may be allowed and the order of learned Single Bench may be quashed and set aside.

11. Per contra, learned counsel for the petitioner-respondent has justified the order and submits that as per the terms and conditions of the advertisement for the post of Compounder/Nurse Junior Grade, the petitioner-respondent is having a disability of more than 40% in his left lower limb only and therefore, his candidature has wrongly been rejected and in the light of reports of the Medical Board of AIIMS, learned Single Bench has rightly allowed the writ petition.

12. We have considered the submissions made at Bar and have gone through the relevant record of the case.

13. The admitted position in the present case is that as per the conditions of the advertisement for the post of Compounder/Nurse Junior Grade, the candidates having disability of more than 40% in one leg are considered eligible for appointment. Although, the State Government has found the disability of respondent-petitioner in both the legs, therefore, he was non-suited for the post. On the directions issued by the learned Single Bench, the Medical Board constituted by the AIIMS, on two occasions, has reported as under:-



Medical Examination Report by Medical Board (मेडिकल बोर्ड द्वारा चिकित्सा परीक्षण रिपोर्ट)

दिनांक : 02 / 12 / 2025

संदर्भ :- कार्यवाहक चिकित्सा अधीक्षक, एम्स, जोधपुर की स्वीकृति से, कार्यालय आदेश संख्या :- अ.भा.आ.सं./चि.अ.का./11/2025/530 दिनांक 28.11.2025 के अंतर्गत श्री मुकेश कुमार मीणा पुत्र श्री रामावतार मीणा बनाम राजस्थान सरकार के संबंध में दिव्यांगता परीक्षण करवाने हेतु मेडिकल बोर्ड का गठन किया गया है। (यह मेडिकल बोर्ड का माननीय राजस्थान उच्च न्यायालय (जयपुर बेंच) में दायर याचिका संख्या एस.बी. सिविल रिट पिटिशन सं. 19573/2025 में पारित आदेश दिनांक 21.11.2025 के अंतर्गत किया गया है।)

प्रार्थी का विवरण निम्नलिखित है:- यह प्रमाणित किया जाता है कि हमने श्री मुकेश कुमार मीणा पुत्र श्री रामावतार मीणा, जन्मतिथि 20/07/1992 आयु 33 वर्ष 04 माह 13 दिन (दिनांक 02/12/2025 के अनुसार), लिंग पुरुष, स्थायी निवासी तालच्छी की पुलिया के पास, वार्ड नं. 17 सांगोद, तहसील सांगोद, जिला कोटा राजस्थान - 325001 (आधार संख्या 3419 6276 2788) का सावधानीपूर्वक चिकित्सीय परीक्षण किया है।

चिकित्सीय परीक्षण की तिथि पर बायोमैट्रिक प्रणाली उपलब्ध न होने के कारण अभ्यर्थी की पहचान चिकित्सा बोर्ड द्वारा अन्य वैकल्पिक साधनों से सुनिश्चित की गई। इस हेतु अभ्यर्थी की पहचान दो चिन्हों बाएं अंगूठे के निशान तथा संलग्न फोटोग्राफ के आधार पर सत्यापित की गई।

पहचान के निशान :-

- A raised brown, non-hairy mole of size 0.4cm x 0.4cm present over left side of face, 2cm away from outer canthus of left eye.
- A flat black non-hairy mole of size 0.1cm x 0.1cm present over right side of neck, 7cm below right mastoid.
- बाएं अंगूठे के निशान

सहमति पत्र:-

मैं, श्री मुकेश कुमार मीणा पुत्र श्री रामावतार मीणा अपनी संपूर्ण स्वतंत्र एवं स्वैच्छिक सहमति प्रदान करता हूं कि माननीय उच्च न्यायालय के आदेशानुसार, मेरी विकलांगता के मापन हेतु मेरा परीक्षण एम्स, जोधपुर के चिकित्सा बोर्ड द्वारा किया जाए। मैं इस परीक्षण से संबंधित सभी औपचारिकताओं एवं प्रक्रियाओं को समझता हूं एवं उन्हें स्वीकार करता हूं।

हस्ताक्षर

चिकित्सा परीक्षण दिनांक, समय एवं स्थान :-

दिनांक एवं समय :- 02.12.2025 (मंगलवार)

स्थान :- चिकित्सा अधीक्षक कार्यालय, अ.भा.आ.सं., जोधपुर

The disability of the petitioner has been evaluated in accordance with the guidelines issued in the Gazette of India, Extraordinary, Part II, Section 3, Sub-Section (ii), No.1272, New Delhi, dated Thursday, March 14, 2024 / Phalguna 24, 1945 (Saka). The disability of petitioner is as follows -

Sr. No.	Disability	Affected part of Body	Diagnosis	Disability Percentage
1.	Locomotor Disability	Left Lower Limb Only	Left Lower Limb Post-Polio Residual Paralysis	70% (Seventy Percent Only)



The Medical Board opinion that:- On the basis of detailed clinical examination, physical assessment, and review of the above-mentioned investigation reports, we, the members of the Medical Board, are of the opinion that Sh. Mukesh Kumar Meena S/o Ramavtar Meena is suffering from a permanent physical disability i.e. Locomotor Disability of 70% (Seventy Percent only) in left lower limb and there is no disability on right lower limb, in accordance with the guidelines issued by the Government of India.

Dated: 2nd December, 2025

डॉ. नितेश मनोहर गोन्नाड़े
सदस्य— मेडिकल बोर्ड
अतिरिक्त आचार्य नैतिक चिकित्सा एवं
पुनर्वास विभाग

डॉ. संदीप कुमार
सदस्य— मेडिकल बोर्ड
सह आचार्य, अस्थि रोग विभाग

डॉ. रुचि गर्ग
संयोजक —मेडिकल बोर्ड
उप—चिकित्सा अधीक्षक,
अस्पताल प्रशासन विभाग

डॉ. राघवेन्द्र सिंह शेखावत
अध्यक्ष— मेडिकल बोर्ड
अतिरिक्त आचार्य,
न्यायायिक चिकित्सा एवं विष विज्ञान विभाग

Re-Disability Examination Report by Medical Board (मेडिकल बोर्ड द्वारा पुनः दिव्यांगता परीक्षण रिपोर्ट)

दिनांक :- 28/12/2025

संदर्भ :-

- माननीय राजस्थान उच्च न्यायालय (जयपुर बेंच) में दायर याचिका संख्या एस.बी. सिविल रिट पिटिशन सं. 19573/2025 में पारित आदेश दिनांक 21.11.2025
- कार्यवाहक चिकित्सा अधीक्षक, अ.भा.आ.सं. जोधपुर के पत्रांक संख्या अ.भा.आ.सं./का.चि.अ./12/2025/543 दिनांक 04/12/2025
- माननीय राजस्थान उच्च न्यायालय (जयपुर बेंच) में दायर याचिका संख्या एस.बी. सिविल रिट पिटिशन सं. 19573/2025 में पारित आदेश दिनांक 16.12.2025
- कार्यवाहक चिकित्सा अधीक्षक, एम्स, जोधपुर की स्वीकृति से, कार्यालय आदेश संख्या अ.भा.आ.सं./चि.अ.का./12/2025/598 दिनांक 22.12.2025 एवं कार्यालय आदेश संख्या अ.भा.आ.सं./चि.अ.का./12/2025/602 दिनांक 23/12/2025

प्रार्थी का विवरण निम्नलिखित है:- यह प्रमाणित किया जाता है कि हमने श्री मुकेश कुमार मीणा, पुत्र श्री रामावतार मीणा जन्मतिथि 20.07.1992 आयु 33 वर्ष 04 माह 13 दिन (दिनांक 02.12.2025 के अनुसार), लिंग पुरुष, स्थायी निवासी तालच्छी की पुलिया के पास, वार्ड नं. 17 सांगोद, तहसील सांगोद, जिला कोटा राजस्थान - 325001 (आधार संख्या 3419 6276 2788) का सावधानीपूर्वक पुनः दिव्यांगता परीक्षण किया है।



चिकित्सा परीक्षण दिनांक, समय एवं स्थान :-

दिनांक एवं समय :- 26.12.2025 (शुक्रवार) एवं 30.12.2025 (सोमवार)

स्थान :- चिकित्सा अधीक्षक कार्यालय, अ.भा.आ.सं., जोधपुर

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Dated: 12th January, 2026

डॉ. रवि गौड़
सदस्य- मेडिकल बोर्ड
अति. आचार्य एवं विभागाध्यक्ष
भौतिक चिकित्सा एवं पुनर्वास
विभाग

डॉ. राजेश कुमार रजनीश
सदस्य - मेडिकल बोर्ड
सहायक आचार्य
अस्थि रोग विभाग

डॉ. विभोर टाक
संयोजक- मेडिकल बोर्ड
उप-चिकित्सा अधीक्षक

डॉ. तनुज कंचन
अध्यक्ष- मेडिकल बोर्ड
आचार्य एवं विभागाध्यक्ष
न्यायायिक चिकित्सा एवं विष विज्ञान विभाग

14. The Medical Board's reports clearly reflect that the disability of the petitioner-respondent exists only in the left leg to the extent of 70% and he does not suffer from any disability in the right leg. Since there is no challenge to the reports of the Medical Board of AIIMS and the same are not found to be false or fabricated, we find that the learned Single Bench has rightly taken into consideration those reports and has rightly ordered that the



candidature of the petitioner should be considered favorably by giving directions to appoint him on the post of Compounder/Nurse Junior Grade, more particularly, when the respondent-petitioner has cleared the selection process undertaken by the Department.

15. The judgment relied upon by the learned counsel for the State is not applicable in the peculiar facts and circumstances of the present case.

16. Therefore, the present appeal is devoid of force and the same is dismissed.

(CHANDRA SHEKHAR SHARMA),J

(VINIT KUMAR MATHUR),J

155/Twinkle Singh