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

S.B. Civil Writ Petition No.21402/2026
CNR: RJHC021016322026 | URN: CW / 44926U / 2026

Sunita D/o Shri Baluram W/o Kamlesh, Aged About 34 Years, Resident Of 53, Mission Compound, Ajmer Puliya, Ajmer Road, Jaipur

----Petitioner

Versus

1. Rajasthan State Road Transport Corporation, Through Its Chairman Cum Managing Director, Parivahan Marg, Chomu House, Jaipur
2. Executive Director (Admn.), Rajasthan State Road Transport Corporation, Parivahan Marg, Chomu House, Jaipur
3. The Chief Manager, RSRTC Depot, Jaipur

----Respondents

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For Petitioner(s) : Mr. Vinayak Kumar Joshi
For Respondent(s) : Mr. Rajpal Dhankar

JUSTICE ANOOP KUMAR DHAND

Order

06/11/2026

1. Learned counsel for the petitioner submits that the petitioner was appointed on the post of conductor in the respondent-corporation vide order dated 05.03.2014 and she is suffering from convulsions since 2005. Learned counsel submits that a Medical Board was constituted to examine the condition of the petitioner and after examination, the Medical Board submitted its medical opinion on 13.05.2026 and opined that based on the routine investigation and ongoing treatment of the petitioner, she was advised for light duty work. Learned counsel further submits that, on the basis of the aforesaid medical opinion, a light duty was assigned to the petitioner and the petitioner was advised to be

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reviewed after three months. Learned counsel submits that thereafter, the petitioner was medically examined again and a new Medical Board was constituted, who submitted its Medical Opinion on 23.09.2026, wherein it was found that the condition of the petitioner was normal and it was opined that the petitioner is fit for her duties.

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2. Learned counsel for the petitioner further submits that on the basis of the subsequent Medical Opinion dated 23.09.2026, the respondents were bent upon to assign heavy duty work to the petitioner. Since the petitioner is suffering from convulsions, it is not possible for her to perform the said heavy duties. Learned counsel submits that the aforesaid second Medical Opinion dated 23.09.2026 prepared by the Medical Board, is not correct and the same is contrary to the previous Medical Opinion dated 13.05.2026 prepared by the Medical Board. Hence, under these circumstances, appropriate directions be issued for conducting a fresh medical examination of the petitioner by a Medical Board of All India Institute of Medical Sciences, Jodhpur (for short, 'AIIMS'). Learned counsel submits that during pendency of the instant petition, the respondents have passed an order on 04.11.2026 directing the petitioner to perform heavy duty. Hence, under these circumstances, interference of this Court is warranted.

3. *Per contra*, learned counsel appearing on behalf of the respondents opposed the arguments made by learned counsel for the petitioner and submitted that there is no illegality in the Medical Opinion dated 23.09.2026 of the second Medical Board as the previous Medical Board was of the view that the medical condition of the petitioner would be subject to review after three

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months and when the petitioner was again examined after three months, her condition was found to be fit. Therefore, the respondents have not caused any illegality in assigning heavy duty to the petitioner. Hence, under these circumstances, interference of this Court is not warranted and the instant writ petition is liable to be rejected.

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4. Heard and considered the submissions made at the Bar and perused the material available on the record.

5. It is the case of the petitioner that she is suffering from convulsions since 2005 and on account of her medical condition, she was examined by the Medical Board of SMS Hospital, who opined that looking to the condition of the petitioner, she should be assigned light duty. This fact is clear from the Medical Opinion dated 13.05.2026.

6. It appears that subsequently, a fresh Medical Board of the same hospital was constituted and this time a contrary Medical Opinion has been given with regard to the medical condition of the petitioner.

7. This Court is not expert to give its opinion with regard to the medical condition of the petitioner. This Court is not in a position to opine as to whether the petitioner is required to discharge light duty or heavy duty based on her condition. This task is certainly assigned to the respondent-corporation and for that purpose, her medical condition is required to be examined by the Medical Board.

8. Looking to the conflicting opinions given by the two different Medical Boards of the SMS Hospital, this Court deems it just and proper to dispose of the instant writ petition by issuing directions

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to the respondent-corporation to send a requisition to the Director, All India Institute of Medical Sciences Jodhpur to constitute a fresh Medical Board constituting of five doctors, being the subject expert with regard to the disease suffered by the petitioner. They shall give their opinion with regard to the medical and physical condition of the petitioner and on the basis of their report, fresh orders shall be passed by the respondent-corporation for assigning her the appropriate kind of duty.

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9. Needless to observe that the entire exercise shall be conducted by the respondent-corporation within a period of four weeks from the date of receipt of a certified copy of this order. Clear and specific directions are issued to the Director, AIIMS Jodhpur to conduct the examination of the petitioner by a Medical Board constituting of five doctors being subject experts on the disease suffered by the petitioner, on a particular day by directing the petitioner to appear before the said board on the date so fixed by the AIIMS, Jodhpur.

10. For a period of six weeks, the petitioner shall not be insisted upon to perform heavy duties and the respondent-corporation is also directed to release the due salary of the petitioner. A fresh decision shall be taken by the respondents at the appropriate level after receipt of the report of AIIMS, Jodhpur.

11. Accordingly, the instant writ petition stands disposed of. Stay application as well as all pending applications, if any, also stand disposed of.

(ANOOP KUMAR DHAND),J

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