Reportable

HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR

Judgment reserved on: 15.10.2026

Judgment delivered on: 18.11.2026

Judgment (Full) Uploaded on : 19.11.2026

Rajasthan High Court Web Copy - Not Official

D.B. Special Appeal Writ No. 62/2026
CNR: RJHC010951652025 | URN: SAW / 127U / 2026

1. The State Of Rajasthan, Through Secretary, Department Of Medical And Health, Govt. Of Rajasthan Secretariat, Rajasthan, Jaipur.
2. The Director, State Health And Family Welfare Institute, Rajasthan Jaipur.

----Appellants

Versus

Simarjeet Kaur D/o Prithvipal Singh, Aged About 35 Years, Village 27 Rb Tehsil Raisinghnagar District Sri Ganganagar.

----Respondent

For Appellant(s)	:	Mr. Narendra Singh Rajpurohit, AAG with Ms. Aditi Sharma.
For Respondent(s)	:	Mr. Yashpal Khileree.

Division Bench

HON'BLE THE CHIEF JUSTICE MR. SANJAY K. AGRAWAL
HON'BLE MR. JUSTICE BALJINDER SINGH SANDHU

C.A.V. Judgment

BALJINDER SINGH SANDHU, J.

1. The present special appeal has been filed by the State of Rajasthan and its functionaries challenging the order dated 16.01.2025 passed by the learned Single Judge. By the order under challenge, the writ petition filed by the respondent was allowed and the appellants were directed to consider her candidature for appointment to the post of Nursing Officer in the

(Uploaded on 19/11/2026 at 05:53:47 PM)
(Downloaded on 23/11/2026 at 10:57:33 AM)

category in which she had applied, and if she was otherwise found meritorious, to offer her appointment from the date on which other successful candidates selected pursuant to the same advertisement were appointed.

Rajasthan High Court Web Copy - Not Official

2. The respondent-petitioner holds a three-year Diploma in Nursing and was registered with the Punjab Nurses Registration Council on 10.08.2022. The appellants issued an advertisement dated 05.05.2023 for recruitment to the post of Nursing Officer. The last date for submission of the application form was 04.06.2023. The respondent submitted her application within the prescribed period. She applied for registration with the Rajasthan Nursing Council on 25.09.2023 and was granted registration on 13.01.2024.

3. The respondent appeared for document verification, which was held from 02.09.2023 to 11.09.2023. Her candidature was, however, not included in the select list on the ground that she was not registered with the Rajasthan Nursing Council. She had secured 71.140 marks, as against the cut-off marks of 66.922 prescribed for the OBC (female) category. She, therefore, approached this Court by way of a writ petition.

4. The learned Single Judge allowed the writ petition, taking note of the respondent's registration with the Punjab Nurses Registration Council before the recruitment process and her subsequent registration with the Rajasthan Nursing Council. The learned Single Judge also referred to ***Rajkumari Chahar v. State of Rajasthan & Others, S.B. Civil Writ Petition No.***

(Uploaded on 19/11/2026 at 05:53:47 PM)
(Downloaded on 23/11/2026 at 10:57:33 AM)

15010/2023, and directed the appellants to consider the respondent's candidature and offer appointment if she was otherwise found eligible and meritorious.

5. Learned counsel for the appellants-State submits that 04.06.2023, being the last date for submission of the application form, was the relevant date for determining eligibility. On that date, the respondent was not registered with the Rajasthan Nursing Council (hereinafter referred to as 'the RNC'). It is contended that such registration was specifically prescribed in the Recruitment Rules and the advertisement, and that in the absence of the same, the candidature of the respondent could not be considered. The appellants, therefore, submit that the learned Single Judge was not justified in allowing the writ petition and directing consideration of her candidature.

6. *Per contra*, learned counsel for the respondent submits that the Recruitment Rules and the provisions governing registration must be read together. The respondent already held registration from the Punjab Nurses Registration Council before issuance of the advertisement. Section 13(ii) of the Rajasthan Nurses, Midwives, Health Visitors and Auxiliary Nurse-Midwives Registration Act, 1964 (hereinafter referred to as 'the Registration Act') recognizes corresponding nursing certificates issued by authorities in other States, subject to the conditions specified therein. Further, Section 2(h) of the Act defines the expression "registered" by reference to the Act as well as the Rules and Regulations made thereunder. Regulation 46(2) of the Rajasthan Nursing Council Regulations, 1964 (hereinafter referred to as 'the RNC Regulations') provides

(Uploaded on 19/11/2026 at 05:53:47 PM)
(Downloaded on 23/11/2026 at 10:57:33 AM)

for registration with the RNC within three months after joining service in Rajasthan from another State. It is, therefore, submitted that the respondent's candidature could not have been rejected merely because she did not hold the RNC registration certificate on the last date for submission of the application form. It is also pointed out that she obtained such registration on 13.01.2024, before publication of the final select list on 06.12.2024.

7. We have considered the rival submissions and perused the material available on record.

8. The controversy is not about the respondent's nursing qualification or her status as a registered nursing professional before the recruitment process. She held a three-year Diploma in Nursing and was registered with the Punjab Nurses Registration Council since 10.08.2022. The question is whether her candidature could be rejected solely because she had not obtained a separate registration certificate from the RNC by 04.06.2023, without considering the statutory provisions governing registration in Rajasthan.

9. The post in question is governed by the Rajasthan Medical and Health Subordinate Service Rules, 1965 (hereinafter referred to as 'the Recruitment Rules'). The entry under the head Group 'A' (medical side) (separate male and female cadres) in Schedule-I prescribes the qualifications for the post. The relevant entry reads as under:

(Uploaded on 19/11/2026 at 05:53:47 PM)
(Downloaded on 23/11/2026 at 10:57:33 AM)

Sr No	Name of Post	Source of recruitment with percentage		Minimum qualification and experience for direct recruitment	Posts from which promotion is to made	Minimum qualification and experience required for promotion	Remarks
		Direct Recruitment	Promotion				
4	Nursing Officer	90%	10%	1.Senior Secondary or its equivalent 2.G.N.M. course or its equivalent qualification from institute recognized by Government and 3.Registered in RNC	Departmental employees	1. G.N.M. course or its equivalent qualification from institute recognized by Government and 2. Registered in RNC	1. As regards criteria for promotion, the persons who have trained earlier shall be given preference and in case the year of training is same then the length of service shall be given preference. 2. If suitable departmental employees are not available for promotion such posts shall be filled in by direct recruitment

10. The above entry prescribes registration with the RNC as a requirement for the post. The manner in which such registration is to be obtained, particularly by a person who already holds a corresponding nursing qualification and registration from another State, is governed by the Registration Act, 1964 and the RNC Regulations framed thereunder. The Registration Act provides for registration of nurses, midwives, health visitors and auxiliary nurse-midwives in Rajasthan. Section 2(e) defines a 'nurse' and Section 2(h) defines the expression 'registered'. Section 13 specifies the persons entitled to be registered. The relevant provisions of the Act read as under:

> (e) "nurse" means a person who holds a certificate in nursing granted by any authority recognized in this behalf by the Council;

(Uploaded on 19/11/2026 at 05:53:47 PM)
(Downloaded on 23/11/2026 at 10:57:33 AM)

> (h) "registered" means registered in accordance with the provisions of this Act and the rules and regulations made thereunder.
>
> 13. Persons entitled to be registered. - The following persons shall be entitled to be registered under this Act, namely:-
>
> (i)nurses, midwives, health visitors and auxiliary nurse-midwives who have undergone the course of training prescribed by the Council and have passed the prescribed examinations held by the Council and fulfill such further conditions as may be prescribed;
>
> (ii)nurses, midwives, health visitors and auxiliary nurse-midwives holding corresponding certificates issued by authorities in other States in India and foreign Council if such certificates are recognized by the Indian Nursing Council;
>
> (iii)nurses, midwives, health visitors and auxiliary nurse-midwives who are already in practice at the commencement of this Act and fulfill such conditions as may be prescribed."

11. The Legislature has not confined the meaning of 'registered' to the provisions of the Act alone. It expressly includes the Rules and Regulations made thereunder. Section 13(ii) recognizes persons holding corresponding nursing certificates issued by authorities in other States, subject to recognition by the Indian Nursing Council. It thus makes provision for such persons to seek registration with the Rajasthan Nursing Council. These provisions are, therefore, relevant while examining the registration requirement under the Recruitment Rules.

12. The RNC Regulations have been framed under the Registration Act. Sections 10 and 33 of the Act provide for the making of Regulations, subject to the conditions prescribed therein. Regulation 46 deals with applications for registration. The same is reproduced below:

> "46. Application for Registration.—

(Uploaded on 19/11/2026 at 05:53:47 PM)
(Downloaded on 23/11/2026 at 10:57:33 AM)

RAJASTHAN HIGH COURT सत्यमेव जयते

> (1) A candidate after passing the Final/Second examination of any of the above courses shall apply in Form VII for registration of her/his name under Section 14 of the Act to the Council through the Head of the Institution from which she/he appeared for the Final/Second Examination. The certificate and the registration number which shall be endorsed on the body of the certificate shall be transmitted to the candidate through the Head of the Institution on payment of the prescribed fees.
>
> (2) Nurses, Midwives, Lady Health Visitors who join the service in Rajasthan from any other State must have herself/himself registered with the Rajasthan Nursing Council within 3 months after joining under clause (ii) of Section 13 of the Act by applying in Form VIII.
>
> (3) Nurses, Midwives and Health Visitors entitled to be registered under clause (iii) of Section 13 of the Act shall apply to the Registrar in Form VIII for registration to the Rajasthan Nursing Council."

Rajasthan High Court सत्यमेव जयते Web Copy - Not Official

13. Regulation 46(2) specifically deals with nurses, midwives and lady health visitors who join service in Rajasthan from another State under Section 13(ii) of the Registration Act. It requires them to obtain registration with the Rajasthan Nursing Council within three months after joining service. The Regulation thus recognizes a period after joining service for obtaining RNC registration in the case of persons covered by Section 13(ii). The effect of the provision on the registration qualification prescribed under the Recruitment Rules has to be considered in the context of the statutory scheme as a whole.

14. While the Recruitment Rules prescribe registration with the Rajasthan Nursing Council as a qualification for appointment, Regulation 46(2), framed under the Registration Act, provides for the time within which persons coming to Rajasthan from other States are required to obtain such registration after joining service. Regulation 46 forms part of the Regulations framed under the Registration Act and must be read in the light of that Act. The

(Uploaded on 19/11/2026 at 05:53:47 PM)
(Downloaded on 23/11/2026 at 10:57:33 AM)

registration requirement under the Recruitment Rules must also be considered in the light of the specific procedure and time framework prescribed under Regulation 46(2) for inter-State registrants. We find that these provisions deal with different aspects of the same subject and must, therefore, be read together and harmoniously construed so that effect is given to both.

15. The principle of harmonious construction requires that statutory provisions dealing with different aspects of the same subject be read together and interpreted in a manner that gives effect to both, rather than allowing one to defeat the other. This principle was explained by the Hon'ble Supreme Court in ***Sultana Begum v. Prem Chand Jain, (1997) 1 SCC 373*** wherein it was held that:-

> 11. The statute has to be read as a whole to find out the real intention of the legislature.
>
> 12. In Canada Sugar Refining Co. vs. R. (1898) AC 735, Lord Davy observed:-
>
> > *"Every clause of a statute should be construed with reference to the context and other clauses of the Act, so as, as far as possible, to make a consistent enactment of the whole statute or series of statutes relating to the subject-matter."*
>
> 14. This rule of construction which is also spoken of as "ex visceribus actus" helps in avoiding any inconsistency either within a Section or between two different Section or provisions of the same statute.
>
> 15. On a conspectus of the case law indicated above, the following principles are clearly discernible:
>
> > (1) It is the duty of the courts to avoid a head-on clash between two Sections of the Act and to construe the provisions which appear to be in conflict with each other in such a manner as to harmonise them.
> >
> > (2) The provisions of one Section of a statute cannot be used to defeat the other provisions unless the court, in

(Uploaded on 19/11/2026 at 05:53:47 PM)
(Downloaded on 23/11/2026 at 10:57:33 AM)

RAJASTHAN HIGH COURT सत्यमेव जयते

spite of its efforts, finds it impossible to effect reconciliation between them.

(3) It has to be borne in mind by all the courts all the time that when there are two conflicting provisions in an Act, which cannot be reconciled with each other, they should be so interpreted that, if possible, effect should be given to both. This is the essence of the rule of "harmonious construction".

(4) The courts have also to keep in mind that an interpretation which reduces one of the provisions as a "dead letter" or "useless lumber" is not harmonious construction.

(5) To harmonise is not to destroy any statutory provision or to render it otiose."

Rajasthan High Court सत्यमेव जयते Web Copy - Not Official

16. Further, the same principles were reaffirmed by a Seven-Judge Bench of the Hon'ble Supreme Court in ***In Re: Interplay Between Arbitration Agreements under the Arbitration and Conciliation Act, 1996 and the Indian Stamp Act, 1899*, 2023 INSC 1066**, wherein the Court emphasised that provisions of different statutes should, as far as possible, be interpreted harmoniously so that effect is given to both without defeating their respective purposes. In this regard, it would be useful to reproduce the relevant observations of the Court:

"159. One of the cardinal principles of the interpretation of statutes is to discover and give effect to the legislative intention. If a statute is susceptible to two interpretations, the court will have to reject the construction which will defeat the plain intention of the legislation. The court has to ascertain the intention of the legislation by considering not only the clause to be interpreted, but also the entirety of the statute. The legislature often enacts a statute to give effect to legislative policy. When enacting a statute, the legislature often endeavors to ensure that the provisions of a statute do not contradict the provisions of the same statute or provisions of another statute. However, inconsistencies or contradictions may nonetheless arise between statutes. In such situations, it is left to the court to bring about a harmony between the working of such statutes."

(Uploaded on 19/11/2026 at 05:53:47 PM)
(Downloaded on 23/11/2026 at 10:57:33 AM)

> "165. In the present reference, the challenge before this Court is to harmonize the provisions of the Arbitration Act and the Stamp Act. The object of the Arbitration Act is to, inter alia, ensure an efficacious process of arbitration and minimize the supervisory role of courts in the arbitral process. On the other hand, the object of the Stamp Act is to secure revenue for the State. It is a cardinal principle of interpretation of statutes that provisions contained in two statutes must, if possible, be interpreted in a harmonious manner to give full effect to both the statutes. In providing a harmonious interpretation, this Court has to be cognizant of the fact that it does not defeat the purpose of the statutes or render them ineffective. The challenge, therefore, before this Court is to preserve the workability and efficacy of both the Arbitration Act and the Stamp Act."

17. The aforesaid principle underscores that no provision of a statute is to be construed in isolation, rather, each provision must be interpreted in the context of the statutory scheme as a whole, so as to give effect to the legislative intent and maintain consistency and harmony amongst its various provisions.

18. Applying these principles, the requirement of registration with the Rajasthan Nursing Council under the Recruitment Rules has to be considered along with Section 2(h), Section 13(ii) and Regulation 46(2) of the Registration Act and the RNC Regulations. Section 13(ii) recognizes persons holding corresponding nursing certificates issued by authorities in other States, and Regulation 46(2) prescribes a period for obtaining Rajasthan registration after joining service. The time allowed under the Regulations for such persons must also be given due effect while applying the RNC registration requirement to their case.

19. A similar issue came up for consideration before the Division Bench of this Court in ***Prakashwati v. State of Rajasthan &***

(Uploaded on 19/11/2026 at 05:53:47 PM)
(Downloaded on 23/11/2026 at 10:57:33 AM)

Others, D.B. Civil Writ Petition No. 7973/2016, decided on 17.01.2018. The Division Bench examined the qualification prescribed under the Recruitment Rules in the context of the Registration Act, including Section 13(ii), and Regulation 46. The petitioners therein held nursing qualifications recognized by the Indian Nursing Council and were registered with Nursing Councils of other States. Their candidature was rejected for want of registration with the Rajasthan Nursing Council on the date of the advertisement.

20. The Division Bench upheld the requirement of registration with the Rajasthan Nursing Council, but considered its application in the context of the provisions of the Registration Act and Regulation 46. It took note of Regulation 46(2), which provides for registration with the RNC within three months of joining service by persons entering service in Rajasthan from another State. The relief granted in that case was also based on the particular circumstances before the Court, particularly the short interval between the amendment prescribing the requirement of RNC registration and the issuance of the advertisement, which afforded the candidates little time to obtain such registration. The decision is, therefore, relevant for the interpretation of the statutory scheme, while the factual circumstances in which relief was granted must be considered separately.

21. The facts of ***Prakashwati (supra)*** differ from those of the present case, as the present recruitment was initiated in 2023. However, the interpretation of Section 13(ii) and Regulation 46(2)

(Uploaded on 19/11/2026 at 05:53:47 PM)
(Downloaded on 23/11/2026 at 10:57:33 AM)

adopted therein remains relevant to the present controversy. While the relief granted in that case was based on its particular facts, the statutory provisions considered therein continue to govern the registration of nursing professionals coming to Rajasthan from other States. The respondent's claim must, therefore, be examined in the light of that statutory interpretation and the facts of the present case.

22. The appellants contend that the respondent was required to fulfill the eligibility conditions by the last date prescribed for submission of applications. In support of this contention, reliance has been placed upon the decision of the Hon'ble Supreme Court in ***Sakshi Arha v. The Rajasthan High Court & Others*** reported in ***2025 INSC 463***. The Apex Court in the said judgment reiterated that the date for determining eligibility must be ascertained from the applicable service rules, and where the Rules are silent, from the advertisement. If both are silent, the last date for submission of applications ordinarily becomes the relevant date. The Court also observed that the date of selection cannot ordinarily be adopted as the date for determining eligibility. The general principles laid down by the Supreme Court are well settled.

23. However, before applying the general rule regarding the cut-off date, it is necessary to examine the specific provisions governing registration of nursing professionals coming to Rajasthan from other States. Unlike a case where the applicable statutory provisions are silent regarding the time for obtaining the

(Uploaded on 19/11/2026 at 05:53:47 PM)
(Downloaded on 23/11/2026 at 10:57:33 AM)

requisite registration, the present case involves Regulation 46(2), which specifically provides for obtaining RNC registration within three months after joining service. The effect of this provision must, therefore, be considered while determining the date by which such registration was required to be obtained.

24. The respondent was already registered with the Punjab Nurses Registration Council on 10.08.2022, much before the issuance of the advertisement. Thus, this is not a case where she acquired the nursing qualification or obtained registration as a nursing professional for the first time after the cut-off date. She was already registered with the Nursing Council of another State, and her case is required to be examined in the light of the provisions governing such persons, subject to fulfillment of the conditions of Section 13(ii) of the Registration Act.

25. Regulation 46(2) provides that persons covered by Section 13(ii), who join service in Rajasthan from another State, are required to obtain registration with the Rajasthan Nursing Council within three months of joining service. The Regulation does not expressly prescribe the last date for submission of applications or the date by which such registration must be obtained. It does, however, provide a specific time period for obtaining RNC registration. This provision must be given due effect while applying the registration requirement under the Recruitment Rules. Read together, these provisions do not warrant treating possession of an RNC registration certificate on the last date of

(Uploaded on 19/11/2026 at 05:53:47 PM)
(Downloaded on 23/11/2026 at 10:57:33 AM)

submission of applications as an inflexible requirement in the case of persons covered by this statutory framework.

26. The learned Single Judge also referred to the decision in ***Rajkumari Chahar (supra)***. It is not necessary for us to examine the reasoning in that decision in detail, as the order under appeal can be sustained on an independent ground. The requirement of registration under the Recruitment Rules has to be read along with Section 2(h), Section 13(ii) and Regulation 46(2) of the Registration Act and the RNC Regulations.

27. The respondent secured 71.140 marks, as against the cut-off of 66.922 marks prescribed for the OBC (female) category. She had obtained registration with the Rajasthan Nursing Council on 13.01.2024, before publication of the final select list on 06.12.2024. In view of the statutory framework discussed above, and particularly the time period prescribed under Regulation 46(2), her candidature could not have been rejected solely on the ground that she did not hold an RNC registration certificate on the last date for submission of applications, i.e., 04.06.2023. The learned Single Judge, therefore, committed no error in directing consideration of her candidature, in the category she applied, and to offer her appointment on the post in question, with effect from the date as the other successful candidates were given appointment.

28. For the reasons recorded hereinabove, we find no ground to interfere with the order dated 16.01.2025 passed by the learned

(Uploaded on 19/11/2026 at 05:53:47 PM)
(Downloaded on 23/11/2026 at 10:57:33 AM)

Single Judge. Consequently, the special appeal is dismissed and the order of the learned Single Judge is affirmed, albeit for the reasons and on the grounds recorded herein. The appellants shall comply with the directions issued by the learned Single Judge.

29. There shall be no order as to costs.

(BALJINDER SINGH SANDHU),J **(SANJAY K. AGRAWAL),CJ**

Crt_1 (2095)
D-A/49
Hanuman

Rajasthan High Court Web Copy - Not Official

(Uploaded on 19/11/2026 at 05:53:47 PM)
(Downloaded on 23/11/2026 at 10:57:33 AM)