



**Central Administrative Tribunal
Principal Bench, New Delhi**

O.A. No.571/2020

WITH

**O.A. No.570/2020, O.A. No.658/2020, O.A.
No.792/2020, O.A. No.811/2020, O.A.
No.1380/2020 and O.A. No.1934/2020**

This the 11th day of February, 2021

(Through Video Conferencing)

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Ms. Aradhana Johri, Member (A)**

OA No.571/2020

1. Ankit Tada, Group 'B'
Aged About 24 Years
S/O Poona Ram
R/O Thakurji Ke Mandir,
Darmi, Tehsil Bhopalgarh,
Jodhpur, Rajasthan- 342901
2. Manisha Choudhary, Group 'B'
Aged About 28 Years
D/O Manakramchoudhary
R/O Thakurji Ke Mandir, Darmi,
Tehsil Bhopalgarh,
Jodhpur, Rajasthan- 342901
3. Pushpa Khileri, Group 'B'
Aged About 23 Years
D/O Chhotu Ram Khileri
R/O Nimbi Jodhan, Ladnun,
Nagaur, Nagaur, Rajasthan- 341316
4. Mamta Binda, Group 'B'
Aged About 26 Years
D/O Ajeet Singh
R/O Ward No.-6, Goredi Karna,
Teh.- Degana, Nagaur,
Rajasthan- 341503
5. Anand Kumar Swami, Group 'B'



Aged About 29 Years
 S/O Radheshyam Swami
 R/O Vill-Po Rasal, Teh.- Kuchaman City,
 Nawa, Rajasthan- 341508

6. Puran Mal, Group 'B'
 Aged About 29 Years
 S/O Chunni Lal
 R/O Rajola Khurd, Teh.- Marwar Junction,
 Dist. Pali, Marwar Junction,
 Rajasthan- 306103

7. Indira Rathore, Group 'B'
 Aged About 23 Years
 D/O Ratan Lal Rathore
 R/O Bera Khajur Wali Sarvan,
 Kalp Vriksh Road,
 Bilara, Rajasthan- 342602

8. Pappu Ram, Group 'B'
 Aged About 26 Years
 S/O Raju Ram
 R/O Hira Moti Nagar, Jatawas Lohawat,
 Jodhpur, Rajasthan- 342302

9. Jagdish Suthar, Group 'B'
 Aged About 25 Years
 S/O Ganesh Lal Suthar
 R/O 87, Maliyo Ki Hotel,
 Chikalwas, Post-Loyra,
 Udaipur, Rajasthan -313011

10. Dalchand Saini, Group 'B'
 Aged About 29 Years
 S/O Mangi Lal Saini,
 R/O – Plot No.- 205, Teega Wali Dhani,
 Jamdholi, Jaipur, Rajasthan- 302031

11. Om Prakash, Group 'B'
 Aged About 25 Years
 S/O Raymal Ram
 R/O Vill.- Dargura, Post Mandawala,
 Teh.- Sindari, Dist.- Barmer,
 Rajasthan- 344033



12. Devendra Khatnal, Group 'B'
 Aged About 25 Years
 S/O Budh Raj Khatnal
 R/O 36 Hari Ichchha, Ganesh Vihar Colony,
 Ganeshpura Road,
 Beawar, Rajasthan- 305901
13. Janee Babu, Group 'B'
 Aged About 29 Years
 S/O Gaffar Khan
 R/O Aziz Ustad Ki Gali, Vpo- Alod,
 Teh.- Hindoli,
 Dist.- Bundi, Rajasthan- 323024
14. Kapil Meghwanshi, Group 'B'
 Aged About 28 Years
 S/O Gopal Lal Meghwanshi
 R/O Kumhar Mohalla, Dhanop,
 Bhilwara, Rajasthan- 311023
15. Imran Mansuri, Group 'B'
 Aged About 29 Years
 S/O Rasool Mohammad
 R/O Vpo- Kunwariya, Mansuri Mohalla,
 Rajsamand, Rajasthan- 313327
16. Leena Suman, Group 'B'
 Aged About 25 Years
 D/O Suresh Suman
 R/O Shahabad Ward Murli Ji Ke Mandir Ke Pass,
 Dholai Basti,
 Baran, Rajasthan- 325205
17. Kanaram, Group 'B'
 Aged About 29 Years
 S/O Mangi Lal
 R/O Vill.- Sedariya, Post- Itndra Medtiyan,
 Teh.- Rani, Dist.- Pali, Rajasthan- 306119
18. Dil Khush, Group 'B'
 Aged About 25 Years
 S/O Biram Chand
 R/O 23 Lodha Mohalla, Vill.- Battukheri,
 Teh.- Manohar Thana,
 Jhalawar, Rajasthan- 326037



19. Om Prakash, Group 'B'
 Aged About 27 Years
 S/O Parsa Ram
 R/O Vill-P –Madgaon, Jalore,
 Rajasthan- 343025

20. Narayan Ram, Group 'B'
 Aged About 29 Years
 S/O Ashu Ram
 R/O 8, Sitaram Nagar, Amarnagar,
 Mata Ki Than, Jodhpur
 Rajasthan- 342304

.... Applicants

(By Advocates: Mr. Gyanant Kumar Singh)

Vs.

1. Union Of India,
 Through Secretary,
 Ministry Of Health And Family Welfare,
 Nirman Bhavan, New Delhi - 110011.
2. All India Institute Of Medical Sciences
 Through Its Director,
 Ansari Nagar,
 New Delhi – 110029.
3. Roll No. 447532
 Sn. 356 OBC Merit List
 Through Administrative Officer (Recruitment),
 AIIMS, Ansari Nagar, New Delhi - 110029
4. Roll No. 446791
 Sn. 214 OBC Merit List
 Through Administrative Officer (Recruitment),
 AIIMS, Ansari Nagar, New Delhi - 110029
5. Roll No. 432373
 Sn. 213 OBC Merit List
 Through Administrative Officer (Recruitment),
 AIIMS, Ansari Nagar, New Delhi - 110029
6. Roll No. 451140
 Sn. 212 OBC Merit List
 Through Administrative Officer (Recruitment),
 AIIMS, Ansari Nagar, New Delhi - 110029



7. Roll No. 412703
Sn. 210 OBC Merit List
Through Administrative Officer (Recruitment),
AIIMS, Ansari Nagar, New Delhi - 110029
8. Roll No. 451734
Sn. 209 OBC Merit List
Through Administrative Officer (Recruitment),
AIIMS, Ansari Nagar, New Delhi - 110029
- 9 Roll No. 440425
Sn. 208 OBC Merit List
Through Administrative Officer (Recruitment),
AIIMS, Ansari Nagar, New Delhi - 110029
10. Roll No. 423476
Sn. 207 OBC Merit List
Through Administrative Officer (Recruitment),
AIIMS, Ansari Nagar, New Delhi - 110029
11. Roll No. 453114
Sn. 206 OBC Merit List
Through Administrative Officer (Recruitment),
AIIMS, Ansari Nagar, New Delhi - 110029
12. Roll No. 427369
Sn. 205 OBC Merit List
Through Administrative Officer (Recruitment),
AIIMS, Ansari Nagar, New Delhi - 110029
13. Roll No. 435383
Sn. 204 OBC Merit List
Through Administrative Officer (Recruitment),
AIIMS, Ansari Nagar, New Delhi - 110029
14. Roll No. 455362
Sn. 203 OBC Merit List
Through Administrative Officer (Recruitment),
AIIMS, Ansari Nagar, New Delhi - 110029
15. Roll No. 457653
Sn. 201 OBC Merit List
Through Administrative Officer (Recruitment),
AIIMS, Ansari Nagar, New Delhi - 110029



16. Roll No. 417112
Sn. 199 OBC Merit List
Through Administrative Officer (Recruitment),
AIIMS, Ansari Nagar, New Delhi - 110029

17. Roll No. 444054
Sn. 198 OBC Merit List
Through Administrative Officer (Recruitment),
AIIMS, Ansari Nagar, New Delhi - 110029

18. Roll No. 411306
Sn. 99 Sc Merit List
Through Administrative Officer (Recruitment),
AIIMS, Ansari Nagar, New Delhi - 110029

19. Roll No. 438387
Sn. 98 Sc Merit List
Through Administrative Officer (Recruitment),
AIIMS, Ansari Nagar, New Delhi - 110029

20. Roll No. 458654
Sn. 97 Sc Merit List
Through Administrative Officer (Recruitment),
AIIMS, Ansari Nagar, New Delhi - 110029

21. Roll No. 439792
Sn. 96 SC Merit List
Through Administrative Officer (Recruitment),
AIIMS, Ansari Nagar, New Delhi - 110029

22. Roll No. 439331
Sn. 104 St Merit List
Through Administrative Officer (Recruitment),
AIIMS, Ansari Nagar,
New Delhi - 110029 ... Respondents

(By Advocates: Mr. K.P. Gautam, Mr. Satish Kumar and Mr. Amit Anand)

OA No.570/2020

1. Nehru, S/o Sh. Amara Ram
Age about 31 years
Post – Nursing Officer (Group –B)
R/o 436, Maliyon Ki Dhani, Khawaspura



2.

Jodhpur, Pipar, Rajasthan – 342601

Jagdish, S/o Sh. Bhagu Ram
 Age about 36 years
 Post – Nursing Officer (Group –B)
 R/o 259, Kisan Nagar, Ranasar
 Nagaur, Rajasthan – 341508.

3.

Shiv Nath, S/o Sh. Pusha Ram
 Age about 33 years
 Post – Nursing Officer (Group –B)
 R/o House No.1, Near Bank
 Khawaspura, Jodhpur, Rajasthan-342601.

4.

Mahendra Kumar Jhadhdia
 S/o Sh. Ganpat Ram Jhadhdia
 Age about 28 years
 Post – Nursing Officer (Group –B)
 R/o 356, Flat No.302, Dhaliwal Complex
 Khudda Lahora, Chandigarh-160014.

5.

Jogendra Singh Choudhary
 S/o Sh. Radhe Shyam Choudhary
 Age about 30 years
 Post – Nursing Officer (Group –B)
 R/o Jat Mohala, Mehra Gali
 Baran, Rajasthan-325222.

6.

Mohan Lal
 S/o Sh. Purkha Ram
 Age about 30 years
 Post – Nursing Officer (Group –B)
 R/o 69, Lol Lukho Ki Dhani
 Hodoo, Barmer, Rajasthan-344033.

7.

Manisha, D/o Sh. Gajendra Singh Kachhwaha
 Age about 25 years
 Post – Nursing Officer (Group –B)
 R/o Unchiyara Bera Ward No.24
 Pipar City, Jodhpur, Pipar
 Rajasthan-342601.

8.

Mangala Ram
 S/o Sh. Masara Ram
 Age about 28 years
 Post – Nursing Officer (Group –B)



R/o 405, Mamaji Ka Than
Daipur, Jalore, Raniwara
Rajasthan-342040.

9. Dheera Ram
S/o Sh. Rancha Ram
Age about 29 years
Post-Nursing Officer(Group 'B')
R/o Meghwalo Ki Dhani
Ramsariya, Baitu, Barmer
Rajasthan-344034.
10. Vijay Kumar Meena
S/o Sh. Kailash Chandra Meena
Age about 31 years
Post – Nursing Officer (Group -B)
R/o House No.241, Sarangpur
Chandigarh-160015.
11. Nisha Beniwal
D/o Sh. Pyare Lal
Age about 32 years
Post – Nursing Officer (Group -B)
R/o Ward No.37, Jai Bajrang Colony
Sikar, Rajasthan-332001. ...Applicants

(By Advocate: Mr. Gyanant Kumar Singh)

Vs.

1. AIIMS Delhi
Sri Aurobindo Marg
Ansari Nagar
New Delhi-110029.
2. AIIMS Jodhpur
Basni Industrial Area
MIA 2nd Phase, Basni
Jodhpur, Rajasthan-342005.
3. AIIMS Bhopal
Saket Nagar, AIIMS Campus
Saket Nagar, Bagh Swaniya
Bhopal, Madhya Pradesh-462020



4. AIIMS Patna
Patna – Aurangabad Rd
Phulwari Sharif, Patna
Bihar-801507
5. AIIMS Raipur
Great Eastern Rd, AIIMS Campus
Tatibandh, Raipur
Chhattisgarh-492099
6. Roll No.411306
S. No.99 SC Merit List
Through Administrative Officer (Recruitment)
AIIMS, Ansari Nagar, New Delhi-110029.
7. Roll No.453035
S.No.67 ST Merit List
Through Administrative Officer (Recruitment)
AIIMS, Ansari Nagar, New Delhi-110029.
8. Roll No.446791
S.No.214 OBC Merit List
Through Administrative Officer (Recruitment)
AIIMS, Ansari Nagar, New Delhi-110029.
9. Roll No.432373
S. No.213 OBC Merit List
Through Administrative Officer (Recruitment)
AIIMS, Ansari Nagar, New Delhi-110029.
10. Roll No.451140
S. No.212 OBC Merit List
Through Administrative Officer (Recruitment)
AIIMS, Ansari Nagar, New Delhi-110029.
11. Roll No.412703
S. No.210 OBC Merit List
Through Administrative Officer (Recruitment)
AIIMS, Ansari Nagar, New Delhi-110029.
12. Roll No.451734
S. No.209 OBC Merit List
Through Administrative Officer (Recruitment)
AIIMS, Ansari Nagar, New Delhi-110029.



13. Roll No.440425
S. No.208 OBC Merit List
Through Administrative Officer (Recruitment)
AIIMS, Ansari Nagar, New Delhi-110029.
14. Roll No.423476
S. No.207 OBC Merit List
Through Administrative Officer (Recruitment)
AIIMS, Ansari Nagar, New Delhi-110029.

(By Advocate: Mr. K.P. Gautam)

OA No.658/2020

1. Dev Karan
Aged About 25 Yrs, Group-B
S/O Harkaran Rewar
R/O Vpo- Rajod, Teh Jayal, Nagaur
Rajasthan- 341023
2. Anil Kumar
Aged About 24 Yrs, Group-B
S/O Mangi Lal
R/O Opposite Mohanpura School,
Mohanpura Basti, Nokha,
Rajasthan- 334803
3. Sunil Prajapat
Aged About 25 Yrs, Group-B
S/O Sankar Lal Prajapat
R/O Vill-Po- Dodiyan, Teh- Riyan Bari,
Dist- Nagaur
Rajasthan- 341031
4. Raju Ram Dhedu
Aged About 25 Yrs, Group-B
S/O Missa Ram Dhedu
R/O 273, Kadman Ki Dhani, Mori Kalan,
Riyan Badi, Nagaur
Rajasthan- 341515
5. Vikash Yadav
Aged About 24 Yrs, Group-B
S/O Sitaram Yadav
R/O Vill-Po Raithal Via Kaladera,



Teh- Amer, Jaipur,
Rajasthan- 303810

6. Tara Chand Yadav
Aged About 29 Yrs, Group-B
S/O Ghazi Ram Yadav
R/O V-Po- Malikpur Via Govindgarh,
Teh- Chomu, Jaipur,
Rajasthan- 303712

7. Naresh Singh
Aged About 28 Yrs, Group-B
S/O Puran Singh
R/O Vpo- Maligaon, Via-Bagar,
Teh- Chirawara, Jhunjhunu,
Rajasthan- 333023
(All Qualified For Appointment As Nursing Officer)

.... Applicants

(By Advocate: Mr. Gyanant Kumar Singh)

Versus

1. Union Of India,
Through Secretary,
Ministry Of Health And Family Welfare,
Nirman Bhavan, New Delhi - 110011.
2. All India Institute Of Medical Sciences
Through Its Director,
Ansari Nagar,
New Delhi – 110029.
3. Roll No. 446791
Sn. 214 OBC Merit List
Through Administrative Officer (Recruitment),
Aiims, Ansari Nagar, New Delhi - 110029
4. Roll No. 432373
Sn. 213 OBC Merit List
Through Administrative Officer (Recruitment),
Aiims, Ansari Nagar, New Delhi - 110029
5. Roll No. 451140
Sn. 212 OBC Merit List
Through Administrative Officer (Recruitment),
AIIMS, Ansari Nagar, New Delhi - 110029



6. Roll No. 412703
Sn. 210 OBC Merit List
Through Administrative Officer (Recruitment),
AIIMS, Ansari Nagar, New Delhi - 110029

7. Roll No. 451734
Sn. 209 OBC Merit List
Through Administrative Officer (Recruitment),
AIIMS, Ansari Nagar, New Delhi - 110029

8. Roll No. 440425
Sn. 208 OBC Merit List
Through Administrative Officer (Recruitment),
AIIMS, Ansari Nagar, New Delhi - 110029

9. Roll No. 411306
Sn. 99 SC Merit List
Through Administrative Officer (Recruitment),
AIIMS, Ansari Nagar,
New Delhi - 110029

... Respondents

(By Advocates: Mr. K.P. Gautam and Mr. Gyanendra Singh)

O.A No. 792/2020

1. Sunil Kumar Nitharwal
Aged about 24 yrs. Group-B,
S/o. Sanwormal Nitharwal
R/o. VPO-Jairampura, Via-Jahota,
Teh-Amer, Jaipur,
Rajasthan – 303 701
2. Mohammed Mohsin Khan
Aged about 27 yrs. Group-B
S/o. Mohammed Shabbir
R/o. Ward No. 1, Fatehpur Road,
Sikar, Rajasthan – 332 001.
3. Gurbhinder Singh
Aged about 24 yrs. Group-B,
S/o. Jagjeet Singh
R/o. Vill-DUDA KHICHER, Teh-Sadul Shahar,
Dist-Sriganganagar
Rajasthan – 335 062.



4. Laxmi Dewangan
 Aged about 27 yrs. Group-B
 D/o. Radheshyam Dewangan
 R/o. Shahid Bhagat Singh Chowk,
 Tikrapara, Gabhrapara,
 Raipur,
 Chhattisgarh – 492 001. ...Applicants

(By Advocate : Shri Gyanant Kumar Singh)

Versus

1. Union of India,
 Through Secretary,
 Ministry of Health and Family Welfare,
 Nirman Bhawan, New Delhi – 110 011.
2. All India Institute of Medical Sciences
 Through its Director,
 Ansari Nagar,
 New Delhi – 110 029.
3. Roll No. 446791
 Overall Rank 1313, Sn. 214 OBC Merit List
 Through Administrative Officer (Recruitment),
 AIIMS, Ansari Nagar,
 New Delhi – 110 029.
4. Roll No. 432373
 Overall Rank 1308, Sn. 213 OBC Merit List
 Through Administrative Officer (Recruitment),
 AIIMS, Ansari Nagar,
 New Delhi – 110 029
5. Roll No. 451140
 Overall Rank 1306, Sn. 212 OBC Merit List
 Through Administrative Officer (Recruitment),
 AIIMS, Ansari Nagar,
 New Delhi – 110 029
6. Roll No. 456532
 Overall Rank 1760, Sn. 453 OBC Merit List
 Through Administrative Officer (Recruitment),
 AIIMS, Ansari Nagar,
 New Delhi – 110 029



(By Advocate : Mr. Hanu Bhaskar and Mr. K.P. Gautam)

OA No.811/2020

1. Bharat Kumar Soni
Aged About 27 Yrs, Group-B
S/O Durga Lal Soni
R/O 265, Nagouri Mohalla, Shiv Mandir Gali,
Bhilwara,
Rajasthan- 311001
2. Krishna Gopal Kumawat
Aged About 26 Yrs, Group-B
S/O Mohan Lal Kumawat
R/O Vill- Badiya Khurd, Po- Nandsha Jagir
Teh- Raipur,
Dist- Bhilwara
Rajasthan- 311805
3. Sikander Mohammed Deshwali
Aged About 30 Yrs, Group-B
S/O Gaphoor Mohammed Deshwali
R/O 593, Deshwali Mohalla, Pachewar,
Teh- Malpura, Tonk,
Rajasthan- 304502
4. Bhairu Lal Meena
Aged About 30 Yrs, Group-B
S/O Mohan Lal Meena
R/O 189, Desuri Road,
Sadri, Pali,
Rajasthan - 306702

(All selected for appointment as Nursing Officer)

.... Applicants

(By Advocate: Mr. Gyanant Kumar Singh)

VERSUS

1. Union Of India,
Through Secretary,
Ministry Of Health And Family Welfare,
Nirman Bhavan, New Delhi - 110011.
2. All India Institute Of Medical Sciences



Through Its Director,
Ansari Nagar,
New Delhi - 110029.

3. Roll No. 447532
Overall Rank 1584, Sn. 356 Obc Merit List
Through Administrative Officer (Recruitment),
Aiims, Ansari Nagar,
New Delhi - 110029

4. Roll No. 446791
Overall Rank 1313, Sn. 214 Obc Merit List
Through Administrative Officer (Recruitment),
Aiims, Ansari Nagar,
New Delhi - 110029

5. Roll No. 432373
Overall Rank 1308, Sn. 213 Obc Merit List
Through Administrative Officer (Recruitment),
Aiims, Ansari Nagar,
New Delhi - 110029

6. Roll No. 453035
Overall Rank 3461, Sn. 67 St Merit List
Through Administrative Officer (Recruitment),
Aiims, Ansari Nagar,
New Delhi - 110029 ... Respondents

(By Advocates: Mr. K.P. Gautam and Mr. Hanu Bhaskar)

O.A No. 1380/2020

1. Mushtak Ali
Roll No. - 417404, Category - OBC (NCL)
Marks - 127, Rank-418
1st Choice AIIMS - Jodhpur,
Allotted AIIMS - BHOPAL
Age about 27 yrs,
S/o. Alam Khan
R/o. V/P - Sarupe Ke Tala, Tehsil - SEDWA,
District - Barmer, Rajasthan,
Pin Code - 344 702.
2. Laxman Choudhary
Roll No. - 457840, Category - OBC (NCL)



Marks – 125, Rank-561
 1st Choice AIIMS – Jodhpur,
 Allotted AIIMS – BHOPAL
 Age about 27 yrs,
 S/o. Moda Ram,
 R/o. Gali No. – 03, Ghandhi Nagar,
 District – Barmer, Rajasthan,
 Pin Code – 344 001.

3. Nirmala

Roll No. – 411194, Category – OBC (NCL)
 Marks – 125, Rank-561
 1st Choice AIIMS – Jodhpur,
 Allotted AIIMS – BHOPAL
 Age about 24 yrs,
 D/o. Sh. Dana Ram,
 R/o. Village Chandpura, Techsil – Kuchaman City,
 District – Nagaur, Rajasthan,
 Pin Code – 341 508.

4. Sumit Singh

Roll No. –, Category – OBC
 Marks – 123.33, Rank-705
 1st Choice AIIMS – Jodhpur,
 Allotted AIIMS – PATNA
 Age about 30 yrs,
 S/o. Ghanshyam Singh
 R/o. Kattaira Chauth, Post – Khera, Tehsil-Deeg,
 District – Bharatpur, Rajasthan,
 Pin Code – 321 203.

5. Sunil Kumar Dhaker,

Roll No. – 417654, Category – OBC (NCL)
 Marks – 123.33, Rank-711
 1st Choice AIIMS – Jodhpur,
 Allotted AIIMS – RAIPUR
 Age about 28 yrs.
 S/o. Sh. Duda Lal Dhaker
 R/o. Shrinagar, Post – Thukrai, Tehsil – Begun,
 District – Chittorgardh, Rajasthan,
 Pin Code – 312 023.

6. Harphool Jat

Roll No. – 412735, Category – OBC (NCL)
 Marks – 125, Rank-563
 1st Choice AIIMS – Jodhpur,



Allotted AIIMS – BHOPAL
 Age about 27 yrs,
 S/o. Shivraj Jat,
 R/o. V/P-Dantra, Tehsil – Hurda,
 District – Bhilwara, Rajasthan,
 Pin Code – 311 204.

7. Sunil Bhati

Roll No. – 406457, Category – SC
 Marks – 121.33, Rank-933
 1st Choice AIIMS – Jodhpur,
 Allotted AIIMS – PATNA
 Age about 30 yrs,
 S/o. Sh. Pokar Ram,
 R/o. V/P Patel Nagar, Meghwalo Ka Bas,
 Via –Borunda, Tehsil – Bilara,
 District – Jodhpur, Rajasthan,
 Pin Code – 342 604.

8. Mohan

Roll No. – 460114, Category – SC
 Marks – 121.33, Rank-947,
 1st Choice AIIMS – Jodhpur,
 Allotted AIIMS – PATNA
 Age about 27 yrs,
 S/o. Sh. Asu Ram,
 R/o. Ramdev Colony, Ward No. – 33,
 Balatra, Barmer, Rajasthan,
 Pin Code – 344 022.

9. Tajendra Choudhary

Roll No. – 413543, Category – OBC (NCL)
 Marks – 127, Rank-424
 1st Choice AIIMS – Jodhpur,
 Allotted AIIMS – BHOPAL
 Age about 26 yrs,
 S/o. Sh. Daloo Ram
 R/o. V/P – Ram Nagar Mehlu,
 Tehsil-Phulera, Via – Jobner,
 District – Raipur, Rajasthan,
 Pin Code – 303 325.

10. Shankar Lal Choudhary

Roll No. – 419252, Category – OBC (NCL)
 Marks – 122, Rank-865
 1st Choice AIIMS – Jodhpur,



Allotted AIIMS – RAIPUR
Age about 27 yrs,
S/o. Sh. Gopal Lal
R/o. V/P – Bhadwa,
Tehsil – Phulera, Via – Jobner,
District – Raipur, Rajasthan,
Pin Code – 303 325.

11. Mahesh Kumar

Roll No. – 417538, Category – OBC (NCL)
Marks – 126, Rank-496
1st Choice AIIMS – Jodhpur,
Allotted AIIMS – BHOPAL
Age about 25 yrs,
S/o. Sh. Lal Chand Yadav,
R/o. Dhani Bhatforiya Ki, VPO – Rampura Tho
Tehsil – Srimadhopur,
District – Sikar, Rajasthan,
Pin Code – 332 719.

12. Mukesh Jat

Roll No. - 409900, Category - OBC (NCL)
Marks - 123.33, Rank-737
1st Choice AIIMS - BHOPAL
Allotted AIIMS - RAIPUR
Age about 23 yrs,
S/o. Sh. Ram Kunwar Jat
R/o. Villae - Badla, PO - Malera, Tehsil - Deoli,
District - Tonk, Rajasthan,
Pin Code - 304 507.

13. Ashok Sankhla

Roll No. - 426060, Category - OBC (NCL)
Marks - 123.33, Rank-672
1st Choice AIIMS - Jodhpur,
Allotted AIIMS - PATNA
Age about 29 yrs,
S/o. Sh. Nema Ram,
R/o. V/P - Bindwarya, Tehsil - Tinwari,
District - Jodhpur, Rajasthan,
Pin Code - 342 306.

14. Madhu Kumari Khatik

Roll No. – 407346, Category – SC
Marks – 123.33, Rank-713
1st Choice AIIMS – Jodhpur,



Allotted AIIMS – RAIPUR
 Age about 27 yrs,
 D/o. Sh. Shanker Lal Khatik
 R/o. Sanganeri Gate, Naya Khatik Mohalla,
 District – Bhilwara, Rajasthan,
 Pin Code – 311 204.

...Applicants

(By Advocate : Shri Manoj V. George with Ms. Shilpa Liza George)

Versus

1. All India Institute of Medical Sciences,
 Through Director
 Ansari Nagar, New Delhi – 110 608.

2. Ministry of Health and Family Welfare
 Through Chief Secretary,
 Nirman Bhawan,
 New Delhi – 110 001.

...Respondents

(By Advocate : Shri K.P. Gautam)

O.A No. 1934/2020

1. Kalpesh Vaishnav,
 Aged about 30 years,
 S/o. Sh. Kandas Vaishnav,
 R/o. Block-21, Flat – 401`,
 Nurse Residential Complex,
 Sriniwaspuri, New Delhi – 110 065.

2. Ankit Kumar Jangid,
 Aged about 25 years,
 S/o. Shri Shiv Sahay Jangid,
 R/o. Post Salimpur Tehsil Todabheem,
 District Karouli, Rajasthan-322230.

...Applicants

(By Advocate : Mr. Manoj V. George with Ms. Shilpa Liza George)

Vs.

1. All India Institute of
 Medical Sciences through,
 Director, Ansari Nagar,
 New Delhi-110 608



2. Ministry of Health and Family Welfare
 Through Chief Secretary,
 Nirman Bhawan,
 New Delhi – 110 001. ...Respondents

(By Advocates : Shri K.P. Gautam and Mr. Gyanendra Singh)

ORDER (Oral)

Justice L. Narasimha Reddy:

Since common questions of law and facts, are involved in these OAs, we propose to dispose of them through this common order.

2. The All India Institute of Medical Sciences (AIIMS) has establishments at various places in the country. With a view to select/appoint 2000 Nursing Officers in the Establishments at Bhopal, Jodhpur, Patna and Raipur, notification No.78/2008 was issued on 27.02.2018, followed by another notification No.07/2020 dated. 23.01.2020. The selection was on the basis of performance in the written examination and subject to reservation in favour of various categories.

3. The applicants in this batch of OAs belong to one reserved category or the other. The list of selected candidates was published on 20.02.2020. The notification provided for the mechanism of allocation of selected candidates to various places. It was mentioned that the



allocation would be based upon choice of the candidates, subject to their merit.

4. The applicants herein, who belong to the reserved category, were selected in the un-reserved category on account of their merit. All of them have opted for respective places of posting. However, in the order dated 20.02.2020, they were allocated to places, which they did not opt. On account of the implementation of the reservation in the context of posting also, the candidates who were relatively less meritorious, but selected against the reserved vacancies were preferred to the applicants, who incidentally were selected under the unreserved category.

5. The applicants challenge the impugned order dated 20.02.2020 in so far as it denied to them, the place of their choice, in the context of posting. They contend that, the fact that they did fairly well in the examination and came to be selected against the un-reserved vacancies cannot be treated as a factor against them, compared to a less meritorious candidates in the same category, and were selected against the reserved seats. They placed reliance on the judgment of the Hon'ble Supreme Court in case of ***Union of India vs.***



Ramesh Ram and Others (2010) 7 SCC 234 and certain orders issued by the DOP&T.

6. The OAs are contested by respondents and they filed a common counter affidavit. According to them, the applicants have no right to insist upon being posted at a particular place and that the allocation was made strictly in accordance with the prescribed procedure. It is also stated that the acceptance of the contentions of the applicants would lead to a situation where the applicants would replace the equal number of candidates selected against the reserved vacancies, and the corresponding number of unreserved candidates had to be selected/appointed. The respondents further submit that no hardship has been caused to the applicants, when they are considered under the un-reserved category.

7. We heard Mr. Gyanant Kumar Singh, Mr. Manoj J George with Ms. Shilpa Liza George, learned counsel for the applicants in respective OAs and Mr. K.P. Gautam, Mr. Satish Kumar, Mr. Hanu Bhaskar, Mr. Amit Anand and Mr. Gyanendra Singh, learned counsel for the respondents in respective OAs.



8. As in the case of any other service, the reservations are provided for the posts of Nursing Officers in AIIMS also. The selection is on the basis of performance in the written test. It is also fairly well settled that if a candidate belonging to reserved category, secures meritorious marks and finds place in unreserved category, he continues to be treated as unreserved, notwithstanding his social background. It is only when the selection is for more services than one, and the option is to be exercised in this behalf that complications would arise.

9. If a candidate belonging to a particular reserved category is selected against an unreserved post in category "A" and his choice is for category "C", where he would not find place except as a reserved candidate, his option or discretion cannot be scuttled. He would be at liberty to switch over to category "C" where he may be selected against a reserved seat. The manner in which the seat he would have otherwise in category "A" must be filled, would depend upon the rules, that have prescribed for this purpose. In the instant case, such a problem does not arise at all. The reason is that the post is only one, namely, Nursing Officer. The places that are mentioned, only indicate the availability of the



vacancies. Beyond that, the places do not constitute independent or separate cadres, by themselves.

10. We cross verified from the learned counsel for the respondents as to whether the post of Nursing Officer is typical to each institution, and it is not transferable. The answer was that the post is very much transferable but the instances are not common. In other words, the candidates allocated to a particular Institute would remain at the same place by and large only in exceptional cases, that the inter Institute transfers are made. The net result is that the post of Nursing Officer is a cadre for the entire establishment of AIIMS and independent cadre do not exist at the centres, established across the Country.

11. In both the notifications dated 27.09.2018 and 23.01.2020 the respondents incorporated a clause to the effect that the posting of selected candidates shall be on the basis of two factors, namely option and merit. In other words, if more candidates are available at a particular place, the allocation would be on the basis of merit. Hardly any scope exists for reference to the social status, much less the reservation. The clause reads as under:-

- "Those candidates who have complied and filled the order of preference of allocation of



institute, hospitals, if eligible based on the CBT, will be allocated their preference based on merit and availability/vacancy or position in the respective institute/hospital.

- Those candidates who have not complied and have either not filled their preference or incompletely filled the preference will be allocated institute/hospital at the discretion of examination section AIIMS in sequence of hospitals as published in advertisement No.78/2008 i.e.
 - (i) AIIMS Bhopal (ii) AIIMS Jodhpur (iii) AIIMS Patna (iv) AIIMS Raipur
 Any partial preference filled will also be completed by allowing filled preference at higher in order in sequence of preference and remaining out of above in order of sequence as above.”

12. As observed in the preceding paragraphs, the applicants, hailing from the reserved category, were selected against the unreserved vacancies. They all have opted various places of their choice. However, they were not posted in those places on account of implementation of reservation in that context also. At the threshold of the impugned order itself, the following paragraph is added:-

Name of the Institution	UR	OBC	SC	ST	Total Posts	PWBD
AIIMS-Bhopal	303	162	90	45	600**	**Including 4% reservation of post for persons with Benchmark Disability (PWBD) category is at AIIMS. However, the n number of posts were specified for AIIMS Jodhpur
AIIMS-Jodhpur	303	162	90	45	600**	
AIIMS-Patna	252	135	75	38	500**	
AIIMS-Raipur	151	81	45	23	300**	
Total	1009	540	300	151	2000	



						(43) and for AIIMS (13) Raipur
--	--	--	--	--	--	-----------------------------------

13. We make it clear that the allocation of vacancies to different categories in different hospitals were not part of the selection process at all. At the cost of repetition, we mention that reservation was never treated as a factor for posting at different hospitals. The respondents are not entitled to introduce the same at the stage of posting. In the counter affidavit also, extensive exercise is undertaken to justify the postings on the basis of reservation. Once the respondents did not mention in the advertisement that the posting would be on the basis of reservation, they cannot be permitted to introduce the same at a later stage. They fall back upon the general principal of allocation under the policy evolved by the Government.

14. There would have been occasion for implementation of reservation at the stage of allocation also had it been a case where each hospital constituted a different service and the applicants were required to choose the service. In such an event, the pattern of selection would have been different. In case, their merit and the option did not enable them to get a



vacancy in a particular service, in the unreserved category, they would have switched over to reserved category. Fortunately enough, there is no two tier selection process. The social status becomes relevant only in the context of selection to the post and as such. It is not at all in the context of posting at various places.

15. In view of the discussion undertaken above, we allow the OAs and set aside the impugned order in so far it did not accommodate the applicants at the places of their choice depending upon their overall merit, independent of their social status. The respondents shall complete the exercise and post the selected candidates, in pursuance of the notification dated 23.01.2020 purely on the basis of (a)choice of the candidates and (b) merit obtained by them in the examination, within two months from the date of receipt of a copy of this order.

16. To be more cautious in this behalf, we direct that social status of a candidate or the factor of reservation shall not be taken into account, in the context of posting. The preference mentioned in the application form shall be treated as final and without any subsequent alteration. We also leave it open to the respondents to confine the exercise, only to the



applicants herein, to avoid further complications. The relief is confined to the applicants alone. The entire exercise shall in no way, disturb the selection of any candidate.

Pending MAs shall stand disposed of. There shall be no order as to costs.

(Aradhana Johri)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

lg/mbt/vb/sd