



**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 11<sup>th</sup> 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

Jodhpur, Pipar, Rajasthan – 342601



2. 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 Kachhawaha  
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, Jalor, Raniwara  
Rajasthan-342040.

9. Dheera Ram  
S/o Sh. Racha 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 2<sup>nd</sup> 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  
Chhatisgarh-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- Dodiya, 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 Ghasi 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. Sanwarmal 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 Shahr,  
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  
1<sup>st</sup> 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  
 1<sup>st</sup> 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  
 1<sup>st</sup> Choice AIIMS – Jodhpur,  
 Allotted AIIMS – BHOPAL  
 Age about 24 yrs,  
 D/o. Sh. Dana Ram,  
 R/o. Village Chandpura, Tehsil – Kuchaman City,  
 District – Nagaur, Rajasthan,  
 Pin Code – 341 508.
4. Sumit Singh  
 Roll No. –, Category – OBC  
 Marks – 123.33, Rank-705  
 1<sup>st</sup> 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  
 1<sup>st</sup> 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  
 1<sup>st</sup> 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

1<sup>st</sup> 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,

1<sup>st</sup> 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

1<sup>st</sup> 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

1<sup>st</sup> 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

1<sup>st</sup> Choice AIIMS – Jodhpur,

Allotted AIIMS – BHOPAL

Age about 25 yrs,

S/o. Sh. Lal Chand Yadav,

R/o. Dhani Bhatforiya Ki, VPO – Rampura Thoi,

Tehsil – Srimadhopur,

District – Sikar, Rajasthan,

Pin Code – 332 719.

12. Mukesh Jat

Roll No. – 409900, Category – OBC (NCL)

Marks – 123.33, Rank-737

1<sup>st</sup> 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

1<sup>st</sup> 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

1<sup>st</sup> Choice AIIMS – Jodhpur,



Allotted AIIMS – RAIPUR  
 Age about 27 yrs,  
 D/o. Sh. Shanker Lal Khatik  
 R/o. Sangneri 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,  
 Srinivaspuri, 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 Raipur (13)
--	--	--	--	--	--	--------------------------------------

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*