

CENTRAL ADMINISTRATIVE TRIBUNAL  
PATNA BENCH, PATNA  
 OA /050/00054/2020

Date of CAV : 16.02.2020

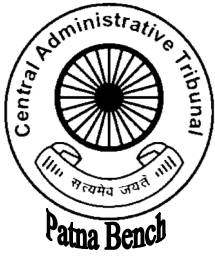
Date of order : 28<sup>th</sup> Feb., 2020

**C O R A M**

Hon'ble Mr. S.N.Terdal, Member [J]  
 Hon'ble Mr. Dinesh Sharma, Member[A]



1. Mahipal Singh Jakhar, S/o Shriram Jakhar, Ward No.-19, Dhani Sagar Wali, Krishna Nagar, Mahrauli, Via – Shrimadhampur, District – Sikar, Rajasthan, At present residing at G6 Ashwini Apartment, Near AIIMS, Patna.
2. Ramchandra Singh, S/o Mahadev Prasad, Vill.-Ranjeetpura, Post Kishanpura, District – Jaipur (Rajasthan), At present residing at Chandra Kanti Police Colony Near AIIMS Patna, P.S. – Phulwarisharif, District – Patna.
3. Harishankar, S/o Sri Ratan Chand, Village – Sadikpur, District – Dholpur, Rajasthan, At present residing at Shahi Colony, Near Jagar Narayan College, PO+PS Khagaul, District – Patna.
4. Subhash Chandra, S/o Sri Hanuman, Village & P.O.- Dhandha, District – Hanumangarh, Rajasthan, At present residing at Chandra Kanti Police Colony Near AIIMS Patna, P.S. – Phulwarisharif, District – Patna.
5. Aman Sharma, S/o Mahesh Chand Sharma, resident of Devras Nagar Near K.V.P. Agra Road Jamdoli, Jaipur, At present residing at Chandra Kanti Police Colony Near AIIMS Patna, P.S. – Phulwarisharif, District – Patna.
6. Ram Niwas, S/o Dharm Pal Bhambhu, resident of Vill – Jojasar, Post:- Pandusar, Teshil:- Nohar, Hanumangarh (Rajasthan), At present residing at Chandra Kanti Police Colony Near AIIMS Patna, P.S. – Phulwarisharif, District – Patna.
7. Gaurav Nahta, S/o Vijay Kumar Nahta, resident of Sardar Patel Road, Kushalgarh, District – Banswara, Rajasthan, At present residing at G G6 Ashwini Apartment, Near AIIMS, Patna.
8. Dileep Kumar Bheel, S/o Shree Purkha Ram Bheel, Village – Chhayana2, The- Pokaran, District – Jaisalmer, at present residing at Chandra Kanti Police Colony Near AIIMS Patna, P.S. – Phulwarisharif, District – Patna.
9. Mahaveer, S/o Sri Kalyan Singh, resident of Karni Colony Nagaur, Rajasthan, At present residing near Allahabad Bank Near Walmi, P.S.- Phulwarisharif, District – Patna.

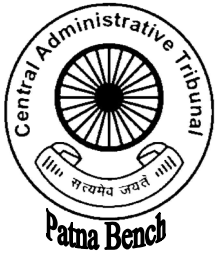


10. Mahendra Kumar, S/o Dalip Singh, resident of vpo Dheerwas Bara, Tehsil – Taranagar, District – Churu, Rajasthan, At present residing at G6 Ashwini Apartment, Near AIIMS, Patna.
11. Sunil Bhatt, S/o Sri Chandulal Bhatt, resident of Village – Pangavda, Tehsil – Salumber, District-Udaipur, Rajasthan, At present residing at Walmi Road no.-2, Near Kid zee School Mukhtiyar Singh Home, P.S.- Phulwarisharif, District – Patna.
12. Ankur Kumar, S/o Sri Hanuman, resident of Village-Ladusar, Via-Dhanuri, Tehsil-Malsisar, Dist. – Jhunjhunu, Rajasthan, at present residing at Road No.2, Vrindavan Colony, P.S.- Phulwarisharif, District – Patna.
13. Ram Bhajan Gujjar, S/o Sri Ram Avtar Gujjar, resident of Village-Ghasipura, P.O.-Kalmada, Tehsil – Malpura, District – Tonk Rajasthan, at present residing at Road No.2, Vrindavan Colony, Near Kid Zee School, P.S.- Phulwarisharif, District – Patna.
14. Ajeet Kumar Yadav, S/o Sri Kartar Singh Yadav, resident of village – Bichpuri, The. Neemrana, Alwar, B Nursing.
15. Bhanwar Lal Muwal, S/o Sakram Muwal resident of Village-Doriya, P.O.-Awara, Tehsil- Malpura Tonk, at present residing at – Road no.1, Vrindavan Colony, P.S.- Phulwari Sharif, District – Patna.
16. Ranjeet Deegwal, S/o-Laxmi Narayan Deegwal, resident of Village-Sefraguwar, Tehsil – Khatri, District – Jhunjhunu, at present residing at-House no.18, Vrindavan Colony, Walmi, P.S.-Phulwari Sharif, District – Patna.
17. Subhash Chand Yadav, S/o Duli Chand Yadav, resident of Village – Bilanderpur, Tehsil – Shahpura, District – Jaipur, Rajasthan, at present residing at- Road no.1, Vrindavan Colony, P.S.- Phulwari Sharif, District – Patna.
18. Ram Singh Meena, S/o- Pokhar Lal Meena, resident of Village-Kalyansinghpura, P.O.- Botunda, Tehsil- Todaraising, District- Tonk, at present resident at- Near Allahabad Bank, Walmi, P.S.- Phulwari Sharif, District – Patna.
19. Bhuvnender Kumar, S/o- Pramod Kumar, resident of Village-Nathawala, Tehsil- Shahpura, District- Jaipur, at present residing at-G6 Ashwani Apartment near AIIMS Patna, P.S.- Phulwari Sharif, District – Patna.
20. Sita Ram Choudhary, S/o-Suja Ram, resident of Village- Sundriyawas, P.O.- Durjaniyawas, via Kalwar, District – Jaipur, at present residing at- C/o Devendra Kumar Sharma, Renu Kalyan Bhawan, Shanti Vihar Colony, Near AIIMS Patna, District- Patna.
21. Rohitash Yadav, S/o Sri Banwari Lal Yadav, resident of Plot No.67, Ganpati Nagar, Nanagal Jaise Bohara, Jhotwara, Distt. – Jaipur, at

present residing at – G6 Ashwani Apartment Near AIIMS, Patna, P.S.- Phulwari Sharif, District – Patna.

22. Dinesh Kumar Sharma, S/o Sri Ramchandra Verma, resident of village – Bhadwari via-Kanwat, Tehsil- Khandela, Distt. Sikar, at present residing at G6 Ashwani Apartment Near AIIMS, Patna, P.S.- Phulwari Sharif, District – Patna.
23. Aman Sharma, S/o Mahesh Chand Sharma, resident of -17, Devras Nagar near K.V.P. Agra Road, Jamdoli, Distt.- Jaipur, at present residing at Road No.1 Vrindavan Colony, P.S.- Phulwari Sharif, District – Patna.
24. Pushpendra Singh Rao, S/o Manohar Singh Rao, resident of – L.B. 269, 270 Near Water Tank, Chitrakoot Nagar, Nagar Bhuwana, Udaipur, Rajasthan, at present residing at - G6 Ashwani Apartment Near AIIMS, Patna, P.S.- Phulwari Sharif, District – Patna.
25. Rajender Kumar Gurjar, S/o Sri Madu Ram Gurjar, resident of Purannagar, P.O.-Chimanpura, P.S.- Kotputli, Distt.-Jaipur, Rajasthan, at present residing at - Road No.2, Vrindavan Colony, P.S.- Phulwarisharif, District – Patna.
26. Vikas Sharma, S/o Sri Suresh Katara, resident of –Gauri Shankar Colony, Near Saras Hotel, Distt.-Bharatpur, Rajasthan, at present residing at – Chandra Kanti Police Colony Near AIIMS Patna, P.S. – Phulwarisharif, District – Patna.
27. Shubham Panchal, S/o Sri Ashok Panchal, resident of V.P.O.- Narwali, Tehsil,- Ghatol, distt.- Banswara, Rajasthan, at present residing at - Chandra Kanti Police Colony Near AIIMS Patna, P.S. – Phulwarisharif, District – Patna.
28. Manish Kumar Yadav, S/o Sri Hemraj Yadav, resident of – Ummedpura Colony, P.S. – Digod, District – Kota, at present residing at – Road No.1, Vrindavan Colony, P.S.- Phulwari Sharif, District – Patna.
29. Mahaveer, S/o Sri Kalyan Singh, resident of – Karni Colony, Distt.- Nagaur, Rajasthan, at present residing at - G6 Ashwini Apartment, Near AIIMS, P.S.- Phulwari Sharif, District – Patna.
30. Mahender Kumar, S/o Dalip Singh, resident of –VPO Dheerwas Bara, Tehsil-Taranagar, District- Churu, Rajasthan, at present residing at G6 Ashwini Apartment, Near AIIMS, P.S.- Phulwari Sharif, District – Patna.
31. Anil Mandiwal, S/o Ram Chandra Mandiwal, resident of VPO – SEWA, via – Phagalwa, Tehsil – Dhod, Distt. – Sikar, Rajasthan, at present residing at Parwati Palace, Road No.2, Vrindavan Colony, P.S.- Phulwarisharif, District – Patna.





32. Sanwar Mal Nodal, S/o Sri Babu Lal Nodal, resident of –Nodalo Ki Dhani, Asalpur, Tehsil – Phulera, distt. – Jaipur, at present residing at - Road No.2, Vrindavan Colony, P.S.- Phulwarisharif, District – Patna.
33. Kajod Yadav, S/o Madan Lal Yadav, resident of Village – Mehash Wash Kala, P.S. – Rojda, Tehsil – Aamer, Distt. – Jaipur, at present residing at - Near Allahabad Bank, Walmi, P.S.- Phulwari Sharif, District – Patna.
34. Jai Prakash, S/o Sri Kailash Chandra, resident of – Amai, Tehsil – Kotputli, District – Jaipur Rajasthan, at present residing at - Road no.1, Vrindavan Colony, P.S.- Phulwari Sharif, District – Patna.
35. Ajit Sing Lamba, S/o Sri Harishankar, resident of village – Govindpura, Basdi, The. – Shahpura, distt. – Jaipur, Rajasthan, at present residing at - Road no.2, Vrindavan Colony, P.S.- Phulwari Sharif, District – Patna.
36. Narendra Kumar, S/o Sri Gopi Chand, resident of Bharatpur, Rajasthan, at present residing at- Road no.2, Vrindavan Colony, P.S.- Phulwari Sharif, District – Patna.
37. Sandeep Kumar, S/o Sri Chander Bhan, resident of –VPO-Bhaloth, Tehsil – Buhana, Distt – Jhunjhunu, at present residing at Chandra Kanti Police Colony Near AIIMS, Patna, P.S.- Phulwari Sharif, District – Patna.
38. Ajit Singh Lamba, S/o Harishankar, resident of village – Govindpura, Basdi, The. – Shahpura, Distt. – Jaipur, Rajasthan, at present residing at Road no.2, Vrindavan Colony, P.S.- Phulwari Sharif, District – Patna.
39. Silambarsan R, S/o Sri Rangamati, resident of Kujaralli, P.S. – Palacodem, TK, Dharmapuri, distt. – Tamil Nadu, at present residing at - Chandra Kanti Police Colony Near AIIMS, Patna, P.S.- Phulwari Sharif, District – Patna.
40. Rakesh Bairwa, S/o Sri Gordha Lal Bairwa, resident of village – Mahukalan, P.S. – Mahukhera, The. – Mandawar, Distt. – Dausa, at present residing at Road no.1, Vrindavan Colony, P.S.- Phulwari Sharif, District – Patna.
41. Ajeet Kumar Yadav, S/o – Kartar Singh Yadav, resident of Village – Bichpuri, P.O.-Peepli, Tehsil- Neemrana, District – Alwar, at present residing at – G6 Ashwani Apartment, Near AIIMS Patna, P.S.- Phulwari Sharif, District – Patna.
42. Sunil Kumar Khatana, S/o – Shishpal Khatana, Resident of Village- Khedala, P.O.- Teshgoan, Tehsil – Nadoti, District-Karauli, at present residing near Allahabad Bank, near Walmi, P.S.- Phulwari Sharif, District – Patna.
43. Rajnish Tomar, S/o- Sahadev Singh Tomar, Resident at –D36 Of M.D.V. Colony, District- Bikaner, Rajasthan, at present residing at -

Chandra Kanti Police Colony Near AIIMS Patna, P.S. – Phulwarisharif, District – Patna.

44. Mahendra Kumar Bairwa, S/o-Ramesh Chand Bairwa, Resident of Village- Rajgarh, P.O.- Rasidpur, Tahsil- Mahwa, District – Dausa, Rajasthan, at present residing at - Road no.-2, Vrindavan Colony, P.S.- Phulwarisharif, District – Patna.
45. Deep Singh Chaudhary, S/o- Roop Singh Chaudhary, resident of Village- Khajuwala, District- Bikaner, Rajasthan, at present residing at - Road no.-2, Vrindavan Colony, P.S.- Phulwarisharif, District – Patna.
46. Sunil Kumar Khatana, S/o- Shishpal Khatana, Resident of Village – Khedala, P.O.- Teshgoan, Tehsil-Nadoti, District- Karauli, Rajasthan, at present residing at - Chandra Kanti Police Colony, Near AIIMS Patna, P.S. – Phulwarisharif, District – Patna.
47. Mahaveer Singh, S/o- Kalyan Singh, Resident of Village – Karni Colony, District- Nagaur, Rajasthan, at present residing near Allahabad Bank, Near Walmi, P.S.- Phulwari Sharif, District – Patna.
48. Rajesh Kumar, S/o- Dhanna Ram, Resident of Village – Gidhawala, P.O.- Shimarla, Tehsil- Shrimadhopur, District- Sikar Raj, at present residing at Chandra Kanti Police Colony, Near AIIMS Patna, P.S. – Phulwarisharif, District – Patna.
49. Naresh Singh, S/o Puran Singh, Resident of Village- Maligaon Bajar, District- Jhunjhuna, Rajasthan, at present resident at- Road no.2, Vrindavan Colony, P.S.- Phulwari Sharif, District – Patna.
50. Sandeep Kumar, S/o- Gopal Lal Prajapat, Resident of Village-Bobas, Tehsil- Phulera, District- Jaipur Rja, at present residing at- C/o Kamalesh Sharma, near Kid zSchool, Vrindavan Colony, Road no.2, District- Patna.
51. Ramavatar Dambiwal, resident of Village- ChandpuraBobas, Tehsil- Phulera, District- Jaipur Raj, at present residing at – Road no.1, Vrindavan Colony, P.S.- Phulwari Sharif, District – Patna.
52. Balveer Dudi, S/o- Surjaram Dudi, Resident of Village- Dholasry, Dantaramghar, District- Sikar, Rajasthan, at present residing at – Road No.2, Vrindavan Colony, P.S.- Phulwari Sharif, District – Patna.
53. Deepak Sharma, S/o Naval Kishore Sharma, Resident of- Acharya Vinobha Bhave, Vsishali Nagar, District- Jaipur, Rajasthan at present residing at- Chandra Kanti Police Colony Near AIIMS Patna, P.S. – Phulwarisharif, District – Patna.
54. Radhe Shayam Jajoria, S/o- Mohan Lal Jajoria, Resident of Village- Bobas, Tehsil- Phulera, at present residing at- C/o Kamalesh Sharma, near Kid z School, Vrindavan Colony, Road no.2, District- Patna.
55. Jitendra Kapuriya, S/o-Ram Karan Kapuriya, resident of Village – Chharsa, Tehsil- Shahpura, District- Jaipur, at present residing at-



Chandra Kanti, Police Colony, near AIIMS Patna, P.S.- Phulwari Sharif, District – Patna.

56. Jai Singh, S/o Prahalad Singh, resident of Village- Thikariya Via Baori, Tehsil- Khandela, District- Sikar, Rajasthan, at present residing at – Road No.2, Vrindavan Colony, P.S.- Phulwari Sharif, District – Patna.
57. Sube Singh Arya, S/o- Hari Ram Arya, resident of Village- Mohanpura, P.O.- Patan, Tehsil- Neemkathana, District- Sikar, at present residing at – House no.18, Vrindavan Colony, Walmi, P.S.- Phulwari Sharif, District – Patna.
58. Devendra Kumar Sharma, S/o- Ramavatar Kumar Sharma, resident at Village- Duhar Chaugham, Tehsil- Thanagazi, District- Alwar, at present residing at- C/o Kamallesh Sharma, near Kid z School, Vrindavan Colony, District- Patna.
59. Subhash Chand Yadav, S/o- Duli Chand Yadav, resident at Village- Bilanderpur, Tehsil- Shahpura, District- Jaipur, at present residing at- Road no.2, Vrindavan Colony, P.S.- Phulwari Sharif, District – Patna.
60. Manish Kumar Saini, S/o Moti Lal Siani, resident of Village- Kishorpura, P.O.- Ponkh, Tehsil- Udaipurwati, District- Jhunjhunu, Rajasthan, at present residing at Road no.1, Vrindavan Colony, P.S.- Phulwari Sharif, District – Patna.
61. Devendra Kumar Sharma, S/o- Ramavatar Kumar Sharma, resident at Village- Duhar Chaughanm Tehsil- Thanagazi, District- Alwar at present residing at- House no.18, Vrindavan Colony, Walmi, P.S.- Phulwari Sharif, District – Patna.
62. Krishna Kumar Yadav, S/o- Mahesh Kumar Yadav, resident of Village- Govindgarh, Tehsil- Chomu, District- Jaipur, at present residing at- C/o Kamallesh Sharma, near Kid Z School, Vrindavan Colony, District- Patna.
63. Jeetendra Kumar, S/o Gyan Singh, resident of Ramnagar Colony Gurudwara, Dholpur Rajasthan, Shashidhar Choudhary, Pinky Sadan, Ranipur, Phulwarisarif, Patna.
64. Lakkhi Ram Saini, S/o Ratan Lal Saini, resident of Village- Malakhera, Tehsil- Malakhera, District- Alwar, at present residing at – House no.18, Vrindavan Colony, Gali no.2, Walmi, P.S.- Phulwari Sharif, District – Patna.
65. Thaan Singh, S/o Bhagvan Singh, resident of Village- Raisees, Tehsil- Nadbai, District- Bharatpur, Rajasthan, at present residing at- House no.18, Vrindavan Colony, Gali No.02, Walmi, P.S.- Phulwari Sharif, District – Patna.
66. Sourabh Sagar, S/o- Shishankar Prasad, resident of Village- Jamu, P.O.- Jamu, P.S. Markacho, District- Koderma, Jharkhand, at present



residing at- Vrindavan Colony, Road no.2, near Kid z School, District- Patna.

67. Chhailu Singh Rathore, S/o- Madho Singh Rathore, resident of Village- Talanpur Marta City, District- Nagour, Rajasthan, at present residing at C/o Kamallesh Sharma, near Kid z School Vrindavan Colony, Road No.2, P.S.- Phulwari Sharif, District – Patna.
68. Vikas, S/o Omprakash, resident of Village- Pabana Ka Bass, Tehsil- Nawalgarh, District- Jhunjhunu, Rajasthan at present residing at- Pinky Sadan, Ranipur, P.S.- Phulwari Sharif, District – Patna.
69. Manish Kumar Saini, S/o- Moti Lal Saini, resident of Village- Kishorpura, P.O.,- Ponkh, Tehsil- Udaipurwati, District- Jhunjhunu, Rajasthan, at present residing at – House no.18, Vrindavan Colony, Gali no.2, Walmi, P.S.- Phulwari Sharif, District – Patna.
70. Mayank Kumar Verma, S/o- Phool Chand Verma, resident of Village- Chaukari, Via- Guhala, Tehsil- Khendela, District- Sikar, Rajasthan, at present residing at- C/o Kamallesh Sharma, near Kid z School, Vrindavan Colony, Road no.2, District- Patna.
71. Rohitash Khedar, S/o- Rajendra Prasad Khedar, resident of Village- Hanutpura, via Amarsar, Tehsil- Shahpura, District- Jaipur, at present residing at- House no.18, Vrindavan Colony, Gali no.2, Walmi, P.S.- Phulwari Sharif, District – Patna.
72. Sunil Bhatt, S/o- Chandu Lal Bhatt, resident of Village- Pangavda, P.O.- Jetana, Tehsil- Salumber, District- Udaipur, Rajasthan, at present residing at- Road no.2, Vrindavan Colony, P.S.- Phulwari Sharif, District – Patna.
73. Manoj Kumar Pandey, S/o- Chandramani Prasad Pandey, resident of Village- Barauhin, P.O.- Majhigwan, Tehsil- Hanumana, District- Rewa, Madhya Pradesh, at present residing at- C/o- Kamallesh Sharma, near Kid Z School, Vrindavan Colony, Road no.2, District- Patna.
74. Tikam Chand Swami, S/o- Sakarmal Swami, resident of Village-3 Meeno Ka Mohalla, Charanwas, Jobner, District- Jaipur, Rajasthan, at present residing at- G6 Ashwani Apartment, near AIIMS Patna, P.S.- Phulwari Sharif, District – Patna.
75. Akhil. M, S/o- Bichunni. M, resident of Village- Mankunnumal H Kumaranellur, P.O.- Mukkam via Kozhikkode, Kerela, at present residing at- Prabha Bhawan, Shanti Vihar Colony, Chhedi Toda, District- Patna.
76. Ramesh Kumar Pareek, S/o- Mahaveer Prasad Pareek, resident of Village- Lamba Hari Singh, Tehsil- Malpura, District-Tonk, at present residing at- Pinky Sadan, Ranipur, P.S.- Phulwari Sharif, District – Patna.
77. Shubham Jain, S/o-Kanhaiya Lal Jain, resident of- Kherwado Ka Mohalla, Torawat Bhawan, Salumber, District- Udaipur, at present



residing at- C/o Kamalesh Sharma, near Kid Zee School, Vrindavan Colony, Road No.2, District- Patna.

78. Ashish Pathak, S/o- Laxmi Chand Pathak, resident of – Karamchari Colony, Karauli, District- Darauli, Rajasthan, at present residing at- House no.18, Vrindavan Colony, Gali no.2, P.S.- Phulwari Sharif, District – Patna.

79. Ankit Kumar, S/o- Hanuman Singh, resident of Village- Ladusar, Tehsil- Malsisar, District- Jhumjhunu, at present residing at- Road no.2, Vrindavan Colony, P.S.- Phulwari Sharif, District – Patna.

80. Ghansayam Suthar, S/o- Bheru Lal Suthar, resident of Village- Nikumbh, Tehsil- Barisadri, District- Chittaurgarh, Rajasthan, at present residing at- Pinky Sadan, Ranipur, P.S.- Phulwari Sharif, District – Patna.

81. Brajbhusan Sharma, S/o- Omprakash Sharma, resident of Village- Nihalpur, Tehsil- Mandrail, District- Karoli, Rajasthan, at present residing at- C/o Kamalesh Sharma, near Kidzee School, Vrindavan Colony, Road no.2, District- Patna.

82. Pawan Kumar, S/o- Achal Singh, resident of 99 Mohalla, Gopal Ghar, Sikora Kumher, District- Bharatpur, Rajasthan, at present residing at- Road no.2, Vrindavan Colony, P.S.- Phulwari Sharif, District- Patna.

83. Narendra Kumar Sharma, S/o- Pooran Mal Sharma, resident of Village- Marner, P.O.- Bhangdoli, District- Alwar, at present residing at- Road no.2, Vrindavan Colony, P.S.- Phulwari Sharif, District – Patna.

84. Sanu Babu, S/o- Babu. S, residence at- Sanu Bhavan, Chittayam, Panayam, P.O.- Kollam, Kerala, at present residing at- C/o- Jitendra Prasad Singh, Prabha Bhawan, Shanti Vihar Colony, Chhedi Tola, District- Patna.

85. Rajesh Kumar Yadav, S/o Dataram Yadav,
86. Prathvi Raj, S/o Mangatu Ram,
87. Bhanwar Lal Muwal, S/o Sakram Muwal,
88. Maheash Jameria, S/o Rampal Jameria,
89. Manish Kumar Yadav, S/o Hemraj Yadav,
90. Ashok Kumar Bijarnia, S/o Hiralal Lal Bijarnia,
91. Shushil Kumar Yadav, S/o Om Prakash Yadav,
92. Sandeep Kumar, S/o Janki Das,
93. Rajnish Kumar Bajiya, S/o Shishram Bajiya,
94. Bablu, S/o Antarpal,
95. Ashok Kumar Bijarniya, S/o Hira Lal,
96. GAjanand Sharma, S/o Rambabu Sharma,
97. Rajnish Tomar, S/o Sahadeo Singh Tomar,
98. Mahendra Kumar Bairwa, S/o Ramesh Chand Bairwa,
99. Deep Singh Choudhary, S/o Roop Singh Choudhary,
100. Aman Sharma, S/o Mahesh Chand Sharma,
101. Ramniwas, S/o Dharm Pal Bhambhu,







102. Dileep Kumar Bheel, S/o Shree Purkha Ram Bheel,
103. Mahender Kumar, S/o Dalip Singh,
104. Mohit Singh Yadav, S/o Harphol Singh Yadav,
105. Jagdish Prasad, S/o Ram Gopal,
106. Nitin Kumawat, S/o Man Mohan Kumawat,
107. Dharmpal Verma, S/o Ganesh Ram Soothawal,
108. Virendra Kumar Bhinda, S/o Vriddi Chand Bhinda,
109. Om Prakash Sharma, S/o Shri Briham Swaroop Sharma,
110. Hemraj Deegwal, S/o Jagdish Prasad Deegwal,
111. Bhavy Raj, S/o Rajendra Bunkar,
112. Ramkishan Mali, S/o Ramniwas Mali,
113. Mahender Kumar, S/o Dalip Singh,
114. Vikash Nama, S/o Bhanwar Lal Nama,
115. Jeetendra Kumar, S/o Gyan Singh,
116. Ajeet Singh, S/o Arjun Singh,
117. Suresh Kumar Verma, S/o Banwari Lal,
118. Dharm Praveen Bairwa, S/o Ram Dayal Bairwa,
119. Suresh Kumar Verma, S/o Banwari Lal,
120. Satish Agrahari, S/o Jabgauta Kam
121. Shashdhar Choudhary, S/o Chandrasekhar Choudhary,
122. Amlesh Kumar, S/o Naresh Prasad,
123. Satyadeo, S/o Durga Prasad Yadav,
124. Akakhtar Ali Ansari, S/o Quamuddin Ansari,
125. Ram Prakash Inaniya, S/o Ram Ratan Inaniya,
126. Sundar V., S/o Victor Moses,
127. Jenil Raj J. S/o Jawahar Santhosam,
128. Princkle Paul Samuel P., S/o Prabhakaran,
129. Dhatchina Murthi R./ S/o Radhkrishan,
130. Shankar G., S/o Gnanaraj,
131. Yeshuraj Y, S/o K. Yosuva,
132. Nagarajan P., S/o Perumal,
133. Pushpendra Kathat, S/o Shri Mithu Singh,
134. Lakhan Pal Singh, S/o Gopal Singh,
135. Vineesh V., S/o Vijayan,
136. Avinash Jain, S/o Badamilal Jain,
137. Dharm Praveen Bairwa, S/o Ram Dayal Bairwa,
138. Deepak Kumar, S/o Bhagwat Prasad Mahato,
139. Avnish Kumar Jha, S/o Vijay Kumar Jha,
140. Ajit Singh, S/o Man Singh
141. Gunwant Jain, S/o Badamilal Jain,
142. Virendra Kumar Bhinda, S/o Vriddi Chand Bhinda,
143. Hemraj Deegwal, S/o Jagdish Prasad Deegwal,
144. Ramkishan Mali, S/o Ramniwas Mali,
145. Mahendra Kumar, S/o Dalip Singh
146. Vikash Nama, S/o Bhanwar Lal Nama, resident of Village – Bhasu, Tehsil, Todaraisingh, Dist. – Tonk, Rajasthan, C/o Kamalesh Sharma, Near Kidzy School, Vrindawan Colony, Road, No.2, Phulwari Patna.
147. Jeetendra Kumar, S/o Gyan Singh, resident of Village – Ramnagar Colony, Gurudwara, Dhopur, Rajasthan, at present residing at C/o

Kamalesh Sharma, Near Kadzy School Vrindawan Colony, Road No.2, Patna, Bihar.

148. Sareeph Khan, S/o Jalaluddeen Khan, resident of village – Sangori, PO – Khidora, Tehsil – Baseri, Dist. – Dhampur, Rajasthan, at present residing at C/o Kamalesh Sharma, Near Kadzy School Vrindawan Colony, Road No.2, Bihar.
149. Nishant Kumar Ram, S/o Radho Raman Mahto, resident of village – Anand Nagertarri, PO – Karoundi, Dist. – Gumla, Jharkhand, at present residing near Allahbad Bnak Near Walmi, PS – Phulwari Sharif, Patna.
150. Zakiya Mamtaj Bin Hajrat H Raza, S/o Mamtaj Ali, resident of Village – Oina, PO – Neori, PS – Kikash Vidyalaya, District – Ranchi, Jharkhand at present residing at Vrindavan Colony, Road, No.2, Walmi, PS – Phulwari Sharif, Dist. – Patna.
151. Kana Ram Sharma, S/o Sudama Sharma, resident of Village – Duhar Caugan Thangazi, Alwar, Rajasthan, at present residing at Chandra Kanti, Police Colony, Near AIIMS, Patna, PS – Phulwari Sharif, Dist. – Patna.
152. Nagendra Pratap Singh Parman, S/o Lakshman Singh Parman, resident of Village + PS – Baseri, The, Baseri, Distt – Dholpur, Rajasthan, at present residing at Road No.2 Vrindavan Colony, PS – Phulwarisharif, District – Patna.
153. Narpat Lal, S/o Sri Babu Lal, resident of Karigaron Ka Bass Bagri Nagar, Distt. – Pali, Rajashtan at present residing at Chandra Kanti, Police Colony, Near AIIMS, Patna, PS – Phulwarisharif, Patna.
154. Sagar Mal Yadav, S/o Sri Baldwv Ram Yadav, resident of Vill – Lisariya, Via Mundru, The – Shrimadhopur, Distt. – Sikar, Rajasthan, at present residing at Randhey Shyam Jajoria, C/o Kamalesh Sharma Near Kidzy School, Vrindawan Colony, Road, No.2, Patna.
155. Sunil Kumar Yadav, S/o Shardanand Yadav, resident of Panchwati South Railway Colony, PO + PS – Cutia, Distt. – Ranchi, Jharkhand at present residing at Vrindawan Colony, Road, No.2, Near Kidzeen School, Phulwarisharif, Patna.
156. Bera Dunga Ram, S/o Poondlu, The. Merta City, Distt. – Nagaur, Rajasthan, at present residing at BSC N Near Kidzee School Road No.2, Walmi, PS – Phulwarisarif, Patna.
157. Dhiraj Kandulna, S/o Mansukh Kandulna, resident of Vill. Rudmurtia, PO – Chndwa, Distt., Latehar, Jharkhand, at present residing at Chandra Kanti, Police Colony, Near AIIMS, Patna, P.,S. – Phulwarisharif, Patna.
158. Dileep Nimoria, S/o Sri Kailash Chand, resident of VPO Jawanpura The.- Viratnagar, Distt. Jaipur, Rajasthan, at present resident at Rajendra Bhawan, Vrindhawan Colony, Road No.2, AIIMS road, Phulwari Sharif, Patna.



..... Applicants.

By advocate: Sri J.K.Karn.

Verses

1. The Union of India through the Secretary, Ministry of Health and Family Welfare, New Delhi-110001.
2. The Joint Secretary [PMSSY], Ministry of Health and Family Welfare, Government of India, New Delhi – 110001.
3. The Director & Member Secretary, All India Institute of Medical Sciences, Ansari Nagar, New Delhi – 110029.
4. The Director, All India Institute of Medical Sciences, Phulwari Sharif, Patna – 801507.
5. The Deputy Director [Admin.], All India Institute of Medical Sciences, Phulwari Sharif, Patna – 801507.

. Respondents.

By advocate: Sri B.K.Pandey [AIIMS]  
Sri H.P.Singh, Sr. SC [UOI]



### **ORDER**

**Per. S.N.Terdal, MEMBER [J]-** Heard Shri J.K.Karn, learned counsel for the applicant and Shri B.K.Pandey, learned counsel for the respondents, AIIMS and Shri H.P.Singh, Id. Sr. SC for the respondents, Union of India.

Perused the pleadings and the documents produced by the parties.

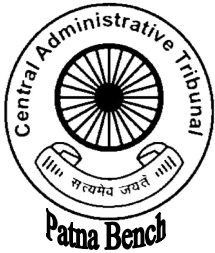
2. The applicants have filed the instant OA seeking the following reliefs :-

“8[A] Advertisement No.13562/Nursing Officer/2019, along with Corrigendum dated 15.01.2020, issued under the signature of Deputy Director [Admin.], All India Institute of Medical Sciences, Patna as contained in Annexure-A/2, so far the same relates to reserving 80% vacancies for Female [i.e. 185 out of 206 vacancies] for the posts of Nursing Officer [Staff Nurse Gr.II] and inserting Skill Test besides Written Test, erroneously in the Selection Procedure, without disclosing the Marks of Written Test & Skill Test, may be declared erroneous, bad in law and the same may be set aside.

8[B] Memorandum dated 28<sup>th</sup> October, 2019 containing Minutes of the 4<sup>th</sup> meeting of the Central Institute Body held on 27<sup>th</sup> July, 2019 in Nirman Bhawan, New Delhi issued under the signature of Director & Member Secretary, All India Institute of Medical Sciences, New Delhi as contained in Annexure-A/1 wherein in its Additional Item No.16 a wholly erroneous decision has been taken that 80% of psots may be reserved for Female Nursing Staff while

the remaining 20% posts may be filled by Male Nursing Staff, may be declared erroneous, bad in law and the same may be quashed and set aside.

8[C] Any other relief/reliefs as the applicants are entitled and Your Lordships may deem fit and proper in the ends of justice.”



3. The relevant facts of the applicants’ case are that the respondents issued an advertisement on the website calling for applications for the recruitment to the post of Nursing Officer [Staff Nurse Grade-II] for Hospital Services on Direct Recruitment basis in All India Institute of Medical Sciences, Patna. In the said advertisement, they have earmarked 80% of the posts for female candidates and 20% of the posts are earmarked to male candidates. The reason for earmarking 80% of the vacancies for female candidates was approved by the Respondents, All India Institute of Medical Sciences in their minutes of the 4<sup>th</sup> Meeting of the Central Institute Body held on 27<sup>th</sup> July, 2019 [Annexure-A/1]. The relevant portion of the minutes at item 16, is extracted below –

*“The CIB discussed on the issue of appropriateness and requirement of female nursing staff in a number of departments/specialised ward vis-a-vis patient comfort and care. Keeping this in view, it was decided that 80% of posts may be reserved for female nursing staff while the remaining 20% posts may be filled by male nursing staff.”*

4. The applicants have filed the instant OA challenging the earmarking of 80% posts for female candidates on the ground that it is violative of right to equality under Articles 14, 15 and 16 of the Constitution of India and the percentage of reservation under the impugned advertisement is far excessive of 50% reservation

fixed/permitted by various judicial pronouncements of the Courts including the Hon'ble Supreme Court.

5. The learned counsel for the applicant further contended that the aforesaid act of the respondents is violative on the following grounds : -

[i] The Procedure of Direct Recruitment initiated for selection against the posts of Nursing Officer [Staff Nurse Gr.II], vide Annexure-A/2, wholly unreasonable and erroneous restrictions have been imposed which is aimed at assassination of merit of applicants and violates their Fundamental Rights, guaranteed under Article 14, 15 and 16 of the Constitution of India, ignoring the settled law that anything contravening and/or violating Fundamental Rights is pro tanto void and as such the said restrictions imposing 80% reservation for Female is liable to be set aside.

[ii] Vide Memorandum dated 28<sup>th</sup> October, 2019, Minutes of the 4<sup>th</sup> meeting of the Central Institute Body held on 27<sup>th</sup> July, 2019 in Nirman Bhawan, New Delhi, issued under the signature of Director & Member Secretary, All India Institute of Medical Sciences, New Delhi as contained in Annexure-A/1 was circulated, wherein in its Additional Item No.16, while discussing the issue of appropriateness and requirement of female nursing staff in a number of departments/specialised ward vis-a-vis patient comfort and care. Keeping this in view, it was decided that 80% of posts may be reserved for female nursing staff while the remaining 20% posts may be filled by male nursing staff . The foundation of such



reservation i.e. patient comfort and care, ignoring the merit is wholly unreasonable. Further, the departments/specialized wards have not been disclosed.

[iii] While imposing such unreasonable reservation of 80% for Female, the Administration has used – Female Nursing Staff/Male Nursing Staff and as such the same refers to be applied in the cases of promotions from the existing Female/Male Staff but not in the matter of direct recruitment.



[iv] The provisions of Article – 14 – Equality before law, Article – 15 – Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth, Article – 16 – Equality of opportunity of matters of public employment, cannot be violated.

[v] The Memorandum as at Annexure-A/1, reserving 80% vacancies for Female is wholly erroneous and unreasonable, aimed at assassination of merit in violation of Fundamental Rights, guaranteed in Article-14, 15 and 16 of Constitution of India and as such the same has been opposed by various Nurses Associations but till date of no help.

6. The learned counsel for the applicant in support of his contentions, relied upon the law laid down by the Hon'ble Apex Court in the case of Government of Andhra Pradesh vs. P.B. Vijayakumar & Anr. reported in 1995 SCC [4] 520.

7. The learned counsel for the respondents vehemently and strenuously contended that the earmarking of 80% of posts for female

nursing staff is a policy matter and there is no question of reservation in the sense provided or understood under Article 16[4] of the Constitution of India. He further submitted that Article 16[4] of the Constitution of India envisages provision for the reservation in appointments or posts in favour of any backward class of citizens which, in the opinion of the State, is not adequately represented in the services under the State. The learned counsel for the respondents further submitted that the word “reservation” is used in the above extracted minutes of the meeting of the All India Institute of Medical Sciences, Patna not to be construed as “reservation” as understood popularly as reasonable classification of female and male nursing staff as envisaged under Article 16[4] of the Constitution of India. He further submitted that it is a case of reasonable classification. The object of reasonable classification is based on providing care and comfort in specialised wards and such classification is permissible under Article 14 of the Constitution of India.



8. The learned counsel for the respondents have stated about the policy decision made by the appropriate body and the said body has found it appropriate to recruit and fill up vacancies by more female nursing officers than male nursing officers [Staff Nurse Grade-II] in all AIIMS uniformly for hospital Services, and hence, the applicants do not have any indivisible right to challenge the recruitment process as well as the policy decision of the employer. In this regard, the averments made by the respondents in paras 8 to 11 of their written statement are extracted below : -

[i] That it is stated that the above system is viewed to bring efficiency in the governance of all new AIIMS in as much as, it would not only bring about uniformity in various policy decisions across different AIIMS, but would also facilitate and streamline the decision making process.

[ii] That thus, it would be manifest that the Central Institute Body has taken a policy decision and has found it appropriate to recruit and fill up vacancies by more female nursing officers than male nursing officers [Staff Nurse Grade-II] in all AIIMS uniformly for hospital services, and hence, the applicants do not have any indivisible right to challenge the recruitment process as well as the policy decision of the employer. Central Institute Body being competent body is empowered to do so and there is no essence of malafide nor the decision of the Central Institute Body can be said to be without jurisdiction.

[iii] That it is further stated that even in absence of any Statutory Rule governing its field, the decision taken by the competent body in all appropriateness and requirements of filling up the vacancies by more Female Nursing Staff than Men Nursing Staff cannot be said to be in violation of Articles 15 and 16 of the Constitu6tion of India. The Administrative decision/ Policy matters which has been enforced by Notification/Advertisement issued by the competent body cannot be a subject matter of scrutiny before the judicial





proceeding, except on the ground of malafide and jurisdiction which is not a subject matter in the present case.

- [iv] That it is further stated that the process of selection as stipulated in the present advertisement is also in consonance with the guidelines issued by the Department of Personnel and Training vide its Circular F.No.39020/09/2015-Estt-B, Govt. of India [Annexure-A/4 to the OA]. Para 7 of the said Circular states as follows :-



*“As the Skill Test or physical Test is different from interview, they may continue. However, these tests will only be a qualifying nature. Assessment will not be done on the basis of marks for such tests.”*

10. Article 14 of the Constitution of India prohibits class legislation but not reasonable classification for the purpose of legislation depending upon the objective and purpose of the State action is permissible and reasonable classification can be made to achieve the aforesaid objective as held by the Hon’ble Supreme Court in the case of K.Thimmappa v. Chairman, Central Board of Directors, S.B.I. AIR 2001 SC 467.

11. We are of the view that the objective of providing comfort and care in specialised wards by earmarking of 80% of vacancies for females as extracted above, is neither discriminatory, unreasonable, unfair nor arbitrary classification. Hence, we do not find the action of the respondents unfair as held by the Hon’ble Supreme Court in the case of Pathumma vs. State of Kerala, AIR 1978 SC 771.

12. In view of the facts and circumstances as discussed above, and also in view of the law laid down by the Hon'ble Supreme Court as stated above and in view of the submissions made by the counsel for the respondents as referred to above, this OA has no merit and the same is dismissed accordingly. No costs.

Sd/-

Sd/-



[ Dinesh Sharma ]/M[A]

[ S.N.Terdal ] /M[J]

Mps/-