

**(2012) 08 RAJ CK 0060**  
**In the Rajasthan High Court**  
**Case No : Civil Writ Petition No. 11106 of 2012**

|                                         |            |
|-----------------------------------------|------------|
| Narendra Kumar Sharma and Another       | APPELLANT  |
| Vs                                      |            |
| University of Health Science and Others | RESPONDENT |

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**Date of Decision :** 21-08-2012

**Acts Referred:**

**Citation :** (2013) 1 WLN 29

**Hon'ble Judges :** Arun Mishra, C.J.; Narendra Kumar Jain, J

**Bench :** Division Bench

**Advocate :** Vijay Poonia, for the Appellant;

**Final Decision :** Dismissed

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## Judgement

Arun Mishra, C.J.—Petitioners are questioning vires of Rule-19 of the Rajasthan Medical & Health Subordinate Service Rules, 1965 on the ground that fixation of maximum 20 bonus marks on yearwise experience to the candidates who are having five years experience is illegal and arbitrary provision. For one year experience, 4 bonus marks have been fixed; as such, for five years maximum 20 marks have been fixed. Prayer has been made that the persons having one year experience or, five years experience ought to have been granted similar 20 marks. It is submitted that minimum period of service be fixed for providing bonus marks working under the NRHM or any other Government Schemes on the post of Pharmacist. Prayer has been made to grant maximum bonus marks, i.e. 20 marks, to the petitioners having experience of one year. Shri Vijay Poonia, learned counsel appearing on behalf of petitioners has submitted that fixation of bonus marks as done under Rule-19, is arbitrary and illegal. 20 bonus marks ought to have been granted to each candidate possessing one year experience. Thus, provision is discriminatory inasmuch as it discriminates on the basis of experience by providing 4 bonus marks for each year experience.

2. After hearing learned counsel appearing on behalf of petitioners we are of the considered opinion that by fixing 4 bonus marks for each year experience, no

arbitrariness/illegality has been committed by the respondents. Rule is reasonable one. Each year experience counts. Bonus marks for the post of Pharmacist have been reserved on rational basis. The experience of one year cannot be equated with experience of two or three years or more. The classification made for award of marks is intelligible one; it cannot be said to be discriminatory provision. The candidate who is having more experience has obviously to be granted more marks, he cannot be treated on same footing. As such, grant of 4 bonus marks for each year experience cannot be said to be suffering with vice of arbitrariness. It also cannot be said to be discriminatory as the petitioners who possess one year experience, cannot claim bonus marks equivalent to person who is having two to five years experience. Experience is one of valid consideration for the post of Pharmacist. Thus, weightage has been rightly granted.

3. In view of above discussion, Rule-19 of the Rajasthan Medical & Health Subordinate Service Rules, 1965 cannot be said to be ultra vires. Resultantly, the writ petition is dismissed in limine. Stay application No. 9642/12 is also dismissed.