



2026:CGHC:12560

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HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 7353 of 2023

1 - Dharendra Kumar Singh S/o Shri Rohit Kumar Aged About 33 Years
R/o Village Katharimal, Post Tarda, Police Station Urga, Tahsil Barpali,
District Korba Chhattisgarh. **... Petitioner(s)**

versus

1 - State Of Chhattisgarh Through The Secretary, Department Of Health
And Family Welfare And Medical Education, Mahanadi Bhawan,
Mantralaya Naya Raipur District Raipur Chhattisgarh.
2 - Director Directorate Health And Family Welfare, North Block,
Sector-19, Swasthya Bhawan, Nawa Raipur, Atal Nagar, Chhattisgarh.
3 - Chief Medical And Health Officer Korba, District Korba Chhattisgarh.
4 - Chief Medical And Health Officer Korba, District Korba Chhattisgarh.

... Respondents

(Cause-title taken from the Case Information System)

For Petitioner :- Mr. Shayon Kar, Advocate

For State :- Ms. Vartika Shrivastava, P.L.

SB-Hon'ble Shri Justice Amitendra Kishore Prasad

Order on Board

16.03.2026



1. By way of the present petition, the petitioner challenges the legality and validity of the list of marks published by Respondent No. 3 for the posts of Radiographer and Medical Lab Technologist, whereby the petitioner has been awarded '0' marks under the column of Covid Experience. As per para 15 (C) of the amended advertisement dated 08.05.2023, candidates who discharged their duties in Government Health Institutions of the State of Chhattisgarh during the Corona Global Pandemic for a period of six months as temporary/ad hoc health workers are entitled to 10 bonus marks in terms of the order dated 07.12.2021 (Annexure P-3). The petitioner had duly performed his duties for more than six months during the Covid-19 pandemic, which has also been certified by the Chief Medical Officer, Korba (Annexure P-4). Despite submission of the requisite certificate and fulfillment of the eligibility criteria, Respondent No. 3 has awarded '0' marks to the petitioner in the published list of marks. The petitioner had also raised his objection through email and subsequently submitted a representation dated 06.09.2023 before Respondent No. 3, however the same has not been considered till date. Thus, the impugned action of Respondent No. 3 is arbitrary, illegal and contrary to para 15 (C) of the amended advertisement dated 08.05.2023 and the order dated 07.12.2021, thereby depriving the petitioner of the benefit of 10 bonus marks and adversely affecting his chances in the recruitment process. Hence, this petition.
2. The petitioner has filed this Writ Petition seeking following reliefs:-



“10.1 That, the Hon'ble Court may kindly be pleased to call for the entire records pertaining to the case of petitioner.

10.2 That, the Hon'ble Court may kindly be pleased to quash/set- aside the impugned list of marks issued by the Respondent NO. 3. (Annexure P-5)

10.3 That, the Hon'ble Court may kindly be pleased to direct the respondent authorities particularly the respondent no. 3 to consider 10 bonus marks as referred in the para 15 (3) of the Advertisement (Annexure P-2).

10.4 That, the Hon'ble Court may kindly be pleased to direct the respondent No 3 to allow the candidature of the petitioner in the present recruitment proceedings.

10.5 That, the Hon'ble Court may kindly be pleased to any other order that may be deemed fit and just in the facts and circumstances of the case including awarding of the costs to the petitioner.”

3. Brief facts of the case are that the petitioner is a qualified and registered Paramedical X-Ray Technician and Pathology Technician and has been discharging his duties under the office of Respondent No. 4 since 09.10.2017 on contractual basis. The respondent No. 3 issued an advertisement dated 08.06.2022, which was subsequently amended and republished on 08.05.2023, for recruitment to various posts of para medical and



nursing staff in the Health Department of the State of Chhattisgarh, including the posts of Radiographer and Medical Lab Technologist, for which the petitioner duly applied by submitting all requisite documents. As per para 15 (C) of the amended advertisement and in terms of the order dated 07.12.2021, candidates who had discharged their duties in Government Health Institutions of Chhattisgarh during the Corona Global Pandemic for a period of six months as temporary/ad hoc health workers were entitled to 10 bonus marks. The petitioner had been serving since 2017 and had also discharged his duties during the Covid-19 pandemic period, which is duly certified by the competent authority. However, while publishing the list of marks dated 23.04.2023 for the posts of Radiographer and Medical Lab Technologist, the respondent No. 3 awarded '0' marks to the petitioner under the column of Covid Experience, despite the petitioner being eligible and having submitted the requisite certificates. The petitioner raised an objection and subsequently submitted a representation dated 06.09.2023 seeking grant of the said 10 bonus marks, but no action was taken by the respondents. Earlier, the petitioner had filed W.P.(S) No. 6022/2023 before this Hon'ble Court, which was withdrawn on 07.09.2023 with liberty to file a fresh duly constituted petition. Hence, the present petition.

4. Learned counsel for the petitioner submits that while considering the candidature of the petitioner for appointment to the post of Lab



Technician, the radiography services rendered by him during the COVID-19 period were not taken into consideration and he was not awarded 10 bonus marks, though such benefit is specifically provided under paragraph 15(C) of the advertisement. It is further submitted that on account of non-award of the said 10 bonus marks, the petitioner could not be appointed to the said post, whereas had the said marks been awarded, he would have secured appointment. Hence, rejection of the candidature of the petitioner is not in accordance with law.

5. On the other hand, learned State counsel submits that since the petitioner had rendered services on a temporary basis, the same were not taken into consideration and, therefore, he was not awarded 10 bonus marks for services rendered during the COVID-19 period.
6. I have heard learned counsel for the parties and perused the material available on record.
7. From a bare perusal of the record, it is apparent that grant of 10 bonus marks is admissible even in respect of temporary services rendered during the COVID-19 period, provided the candidate fulfills the prescribed condition of having discharged duties for a minimum period of six months in a Government Health Institution. The documents annexed with the petition, particularly the certificate issued by the competent authority, clearly establish that the petitioner had rendered services during the COVID-19 period



for the requisite duration of six months. Once such service has been duly certified by the competent authority, the respondents were required to consider the same in terms of paragraph 15(C) of the amended advertisement dated 08.05.2023 as well as the policy decision contained in the order dated 07.12.2021. It is evident that paragraph 15(C) of the advertisement does not make any distinction between permanent, contractual, temporary, or ad hoc employees so long as the candidate had discharged duties during the COVID-19 pandemic in a Government Health Institution for the prescribed period. Therefore, denial of the said benefit solely on the ground that the petitioner rendered services on temporary basis is contrary to the very object of granting bonus marks, which is to recognize and incentivize services rendered by health workers during the extraordinary circumstances prevailing in the pandemic period. The stand taken by the respondent-State, therefore, does not appear to be justified, as the eligibility condition prescribed in the advertisement stands satisfied by the petitioner. Once the petitioner fulfills the prescribed criteria, denial of bonus marks amounts to arbitrary exclusion and has a direct bearing on his merit position in the recruitment process.

8. In view of the aforesaid analysis, this Court is of the considered opinion that the petitioner's claim for grant of 10 additional bonus marks for services rendered during the COVID-19 period deserves to be accepted. The petitioner, having established that he rendered the requisite period of service and having produced



the necessary certificate in support thereof, is entitled to the benefit contemplated under paragraph 15(C) of the advertisement. Accordingly, the respondents are directed to reconsider the candidature of the petitioner by awarding 10 additional bonus marks for the services rendered by him during the COVID-19 period and thereafter rework his merit position in the select list. In the event the petitioner falls within the zone of selection upon such recalculation, consequential benefits shall also be extended to him strictly in accordance with law. However, such exercise shall be confined to the entitlement of the petitioner under the recruitment process in question and shall not automatically disturb appointments already made, unless found necessary in accordance with law.

9. Accordingly, the writ petition stands **allowed**. The aforesaid exercise shall be completed by the respondents within a period of **90 days** from the date of receipt of a certified copy of this order.

Sd/-
(Amitendra Kishore Prasad)
Judge

Vishakha