



**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**

(1.) S.B. Civil Writ Petition No.12611/2022

1. Dr. Nishant Gopaal S/o Shri Ajai Gopal, Aged About 30 Years, R/o 340 Eldeco City, IIM Rd, Lucknow, Up-226013
2. Dr. Santoshkumar P Hammigi, S/o Shri Parameshwarappa B Hammigi, Aged About 28 Years, R/o - 709, Vanasiri Nagar, Sattur, Dharwad, Karnataka 580009.
3. Dr. Jaanakhi V M D/o Shri Muthu V, Aged About 27 Years, R/o Plot No 27 East, 3Rd Cross Street, Harihar Ezhil Nagar, Airport, Tiruchirappalli, Tamilnadu 620007
4. Dr. Karthika Prasad S/o Shri Anil Prasad N S, Aged About 29 Years, R/o Prasadam, Parakode P.o, Pathanamthitta Dist, Kerala, Pin 691554
5. Dr. Ravi Prakash Sharma S/o Shri Om Prakash Sharma, Aged About 27 Years, R/o 27 Bagdo Ki Dhani , Sinwar Jaipur 302012
6. Dr. Keerti Gogra D/o Shri Vikram Kumar Gogra, Aged About 28 Years, R/o F-85 Panchsheel Marg, C-Scheme, Jaipur
7. Dr. Shashank S Bagali S/o Shri Shankar B Bagali, Aged About 28 Years, R/o .r.s No. 1239, P.no. 09, Near Om Shanti, Shanti Nagar Athani. Dist Belagavi, Karnataka.
8. Dr. Rajesh Ks S/o Shri Srinivasareddy. K, Aged About 28 Years, R/o Kiruwara, Srinivasapura Taluk, Kolar District, Karnataka 563135
9. Dr. Anshul Madaan S/o Shri Ashok Kumar Madaan, Aged About 27 Years, R/o 272 New Rose Park, Gulab Devi Hospital Road, Jalandhar, 144008
10. Dr. Ajmal R S S/o Shri Rahim M C, Aged About 30 Years, R/o Ajmal Manzil, Anchal P O, Kollam Kerala, 691306
11. Dr. Prajwal B G S/o Shri Gaddigesh, Aged About 27 Years, R/o Belanduru, Kenchanala, Hosanagara, Shimoga, Karnataka-577426
12. Dr. Palak Patel D/o Shri Milen Patel, Aged About 27 Years, R/o 4 B 232 Sudarshana Nagar Pawan Puri Bikaner.
13. Dr. Vandana S D/o Shri T S Sreenivas, Aged About 28 Years, R/o 27/272A, Theertham, Madappat Link Road, Manjummel, Udyogamandal P O, Ernakulam, Kerala-





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14. Dr. Charan Kumar G S/o Shri Govindaraju G M, Aged About 28 Years, R/o Gantiganahalli, Doddaballapura Taluk, Bangalore Rural Dist.
15. Dr. Somashekhara K K S/o Shri Kotresh K, Aged About 28 Years, R/o H No.1042, 6 Th Ward, Anjineya Extension, Kotturu, Ballari Dist., Karnataka 583134.
16. Dr. Pruthvi K P S/o Shri Prakash K G, Aged About 28 Years, R/o Ashirwad Building , Ayyappanagar, Hubli Road, Sirsi , Karnataka 581402
17. Dr. Kheman Grover S/o Shri Chander Mohan Grover, Aged About 28 Years, R/o Police Colony, Sua Road, Giddarbaha, Punjab-152101
18. Dr. Robin Thakur S/o Shri Jai Singh Thakur, Aged About 29 Years, R/o Vill. Mahaliyat, Po. Killar, Teh. Pangi, Dist. Chamba , Himachal Pradesh
19. Dr. Mahesh Sagar K S/o Shri P R Krishna Reddy, Aged About 27 Years, R/o T.kurubarahalli, Thippadoddi Post, Mulbagal, Kolar,karnataka 563132
20. Dr. Abhay Singh S/o Shri Shiv Swarup, Aged About 32 Years, R/o A-12 Sangwan City, Aligarh , 202002, Up.
21. Dr. Anandu Ranjith S/o Shri J Ranjith, Aged About 29 Years, R/o Devamritham,house No. 40, Sr Nagar , Pattom P O ,trivandr.um, Kerala, 695004
22. Dr. Sakalesh Hosamani S/o Shri H Shankarappa, Aged About 30 Years, R/o H No 1-11-56/103 Devaru Colony ,raichur ,karnataka
23. Dr. Siddharth Maanju S/o Shri Abender Singh, Aged About 27 Years, R/o K-18, Suncity, Badpipli Stand, Sikar Road, Jaipur, Rajasthan 302013
24. Dr. Shinu D/o Shri Naresh Kumar Dua, Aged About 28 Years, R/o Ward No.-1, House No.-1678,dua Mohalla, Kharkhoda, Sonipat, Haryana, 131402.
25. Dr. Sneh Deswal D/o Shri Ramesh Deswal, Aged About 29 Years, R/o Hno 1124/10 Ramgopal Colony Rohtak Haryana
26. Dr. Rinku Kumari D/o Shri Mohan Lal, Aged About 29 Years, R/o Ghachiyon Ka Vaas,sumerpur (Pali)
27. Dr. Sonam Singh D/o Shri Vijay Singh, Aged About 29



Years, R/o H.no.289/3 New Govind Nagar Ramganj Ajmer

28. Dr. Sunjot Kaur D/o Shri Bhagwant Singh, Aged About 29 Years, R/o Street No.3 Gurdit Nagar, P/o Sadhu Ashram, Opp. St. Farid School, Hoshiarpur 146001
29. Dr. Vikas Verma S/o Shri Suryaprakash Verma, Aged About 31 Years, R/o 116D, Ganesh Nagar, University Road, Udaipur, Rajasthan
30. Dr. Karthik Aiyanna N C S/o Shri Chinnappa N A, Aged About 29 Years, R/o Ballamavatty Village And Post Napoklu Madikeri Kodagu Karnataka 571214
31. Dr. Mallikarjun K Rayanad S/o Shri Karabasappa, Aged About 29 Years, R/o 20 Ganga Sadan H No 7-1101/15B/1 Gunj Bank Colony Kalaburagi Karnataka 585104
32. Dr. Lakshita Maherda D/o Shri Satyanarayan Maherda, Aged About 26 Years, R/o Near Manavbharti School, Gharsisar Bikaner.
33. Dr. Erika Gupta D/o Shri Sanjay Gupta, Aged About 27 Years, R/o 1441 Sector -14, Faridabad, Haryana 121007.
34. Dr. Abhishek Kumar S/o Shri Anil Kumar Yadav, Aged About 28 Years, R/o Sri Vihar Colony, Power House Road, Katihar-854105, Bihar
35. Dr. Parul Bansal D/o Shri Suresh Kumar Bansal, Aged About 28 Years, R/o B 108/a Radhey Shyam Park Extn Parwana Road Delhi - 110051
36. Dr. Abhishek Karra S/o Shri Dr. Ravindra Karra, Aged About 27 Years, R/o Hi Tech Eye Center, Kulam Road, Nawanshahr, Punjab 144514
37. Dr. Manvika Chandel D/o Shri Anubhav Chandel, Aged About 26 Years, R/o C-1, Panchsheel Colony, Ajmer Road, Jaipur -302019
38. Dr.vidyashree D/o Shri Preamsingh, Aged About 28 Years, R/o Near Swamy Jina, Pamanakallur,. Manvi Tq Raichur Dist Karnataka 584120
39. Dr. Vandna D/o Shri Rajendra Prasad, Aged About 28 Years, R/o Village/ Post-Ujoli,tehsil- Kotkasim, District- Alwar, Rajasthan, 301702
40. Dr. Priyanka Inaniya D/o Shri Shivdan Ram Inaniya, Aged About 28 Years, R/o Govt. Hospital,riyan Badi,nagaur, Rajasthan, 341513





41. Dr. Sumeet Sidhu D/o Shri Gurmeet Singh Sidhu, Aged About 28 Years, R/o 8-E-12Jawahar Nagar, Sri Ganganagar, Rajasthan
42. Dr. Hemavati Goudappagoudr. A D/o Shri Ramanagouda, Aged About 29 Years, R/o 231,haveri Oni,mangalur,bagalkot, Karnataka,pin-587201.
43. Dr. Surbhi Gupta D/o Shri B L Gupta, Aged About 27 Years, R/o J-123 Mansarover Colony Near Bodheshver Mahadev Mandir Kalakuan Alwar 301001
44. Dr. Jeevika Gupta D/o Shri Govind Gupta, Aged About 27 Years, R/o House No. 93 C Block Near Civil Hospital Sirsa,sirsa
45. Dr. Mamta Bijarniya D/o Shri Nathuram Bijarniya, Aged About 27 Years, R/o Dera Duda, Ward No. 05, Srimadhopur, Sikar (Raj) 332715
46. Dr. Poonam D/o Shri Rohitash, Aged About 27 Years, R/o Vill- Amarpura Khurd , Distt- Jhunjhunu -333516
47. Dr. Bhoomika Pasricha D/o Shri Dr. Aghosh Pasricha, Aged About 27 Years, R/o Flat No. 20-B, Khukhrain Apartments, Sector-13, Rohini, Delhi-110085
48. Dr. Vrishti Goel D/o Shri Mukesh Goel, Aged About 29 Years, R/o Lu 62 Vishakha Enclave Pitampura Delhi 110034
49. Dr. Diksha Kumari Chittara D/o Shri Vijay Prakash Chittara, Aged About 27 Years, R/o M.p. Khartana Via Sanwar Tehsil Mavli, Udaipur, Rajasthan 313206
50. Dr. Neha Yadav D/o Shri Ashok Yadav, Aged About 28 Years, R/o Hno 611 ,sector 5, Gurgaon ,12001
51. Dr. Aakanksha Siwach D/o Shri Mukesh Kumar, Aged About 28 Years, R/o H.no 290A/31, Laxman Vihar, Phase-2, Gurgaon, Haryana. Pin Code 122001
52. Dr. Anusha Shankar Malapure D/o Dr. Shankar Malapure, Aged About 27 Years, R/o G-01, Harshrutu Apartments, Sadashiv Nagar 1St Main, Belgaum, Karnataka 590019
53. Dr. Neha Singh D/o Shri Madan Kumar Singh, Aged About 29 Years, R/o Flat 12B, Ratan Heights, Tagore Hill Road, Morhabadi, Ranchi-834008,jharkhand
54. Dr. Aditi Arora D/o Shri M K Punjabi, Aged About 28 Years, R/o 44/3 Adke Nagar, Deolali Camp, Nashik, Maharashtra, 422001





55. Dr. Vinita D/o Shri Rajendr.a Prasad Jangid, Aged About 29 Years, R/o Dadia Rampura, Via Reengus, District Sikar, Rajasthan- 332404
56. Dr. Prathiksha H L D/o Shri Laxman H M, Aged About 27 Years, R/o Door No 47, Shivaji Road , Sagar, Shimoga , Karnataka 577401
57. Dr. Parvati Demannavar D/o Shri Dharmanna Demannavar, Aged About 28 Years, R/o Kankanawadi , Tq Jamakhandi ,dist Bagalkot, Karnataka 587119
58. Dr. Aakash Verma S/o Shri Dr. Bs Verma, Aged About 28 Years, R/o 16 - Arogya Nagar, Rangbari Road, Kota ,rajasthan, Pin 324005
59. Dr. Sugandha Sharma D/o Shri Dr. Arvind Kumar Sha, Aged About 27 Years, R/o 31/32 , Arpit Nagar , Gandhi Path Vaishali Nagar Jaipur 302021 Rajasthan.
60. Dr. Aaheli Maiti D/o Shri Ananda Chandr.a Maiti, Aged About 29 Years, R/o Plot No 3, Greenland, Mukundapur Kolkata 700099
61. Dr. Mohini Sethi D/o Shri Mr. Sanjay Sethi, Aged About 27 Years, R/o H.no 1385, Near Ntc School, Rajpura Town , Patiala , Punjab 140401
62. Dr. Kriti Ranga D/o Shri L R Ranga, Aged About 28 Years, R/o H.no. 1801, Sector 46, Gurgaon, Haryana 122001
63. Dr. Deepika Panwar D/o Shri B.l. Panwar, Aged About 28 Years, R/o 84 Veer Teja Colony, Dadich Nagar, Outside Third Pole, Mahamandir, Jodhpur, Rajasthan
64. Dr. Toshi Jain D/o Shri Dr. Subodh Jain, Aged About 27 Years, R/o 19A/1 Amarnath Jha Marg George Town Prayagraj, Up, 211001
65. Dr. Deepa Grewal D/o Shri Dinesh Grewal, Aged About 28 Years, R/o Nm9A, Moh, Karar Khan, Jalandhar 144008
66. Dr. Shamanth Hiremath S/o Shri Shivakumar M.c, Aged About 29 Years, R/o Mathrukripa, Shivanagara 5Th Cross, Pandeshwara, Mangaluru-575001, Dakshina Kannada (D), Karnataka
67. Dr. Vaibhav Kumar S/o Shri Dr. Bijoy Kumar, Aged About 30 Years, R/o Flat No 402, C Block, Vikramshila Garden, Cheshire Home Road, Bariatu, Ranchi Jharkhand-834009
68. Dr. Manojkumar V S/o Shri Venkatesh S, Aged About 30 Years, R/o No 16 New No 31 6Th Cross Swimming Pool



Extension Malleswaram Bengaluru Pin 560003.

69. Dr. R. Sanjay S/o Shri C. Ramachandr.an, Aged About 31 Years, R/o Near Ganesh Temple, Kamraj Nagar, Port Blair, South Andaman, Andaman And Nicobar Islands, 744102
70. Dr. Basavaraj S/o Shri Siddharam Patil, Aged About 30 Years, R/o H.no. 06, At Post Jamaga (J), Aland, Kalaburgi, Karnataka- 585302
71. Dr. Sajal Gupta D/o Shri Ajay Kumar Gupta, Aged About 29 Years, R/o E-53 Shastri Nagar Meerut Behind Allahabad Bank Meerut (Uttar Pradesh) Pin -250001
72. Dr. Vijendra Bijarnia S/o Shri Ramdev Bijarnia, Aged About 27 Years, R/o B-169, Jamnapuri Colony, Murlipura Scheme, Jaipur, Rajasthan 302039
73. Dr. Aavishkar Anand S/o Shri K S Ananda, Aged About 28 Years, R/o D/4 C.p.c.ri Campus Vittal Bantwal Taluk Dakshina Kannada Karnataka 574243
74. Dr. Jeeva Babu D/o Shri Babu Varghese, Aged About 30 Years, R/o House No A/26, Canara Bank Colony, Chandr Anagar P.o Palakkad, Kerala - 678007
75. Dr. Carishma S D/o Shri C.bhuvanendr.an, Aged About 30 Years, R/o Athma Harsha, Kiliyoor, Vellarada P.o., Thiruvananthapuram, Kerala, 695505
76. Dr. Jose K Jimmy S/o Shri Jimmy K Jose, Aged About 29 Years, R/o Kattikatt, Thumpoly P.o, Alappuzha, Kerala, 688008
77. Dr. Bhavyansh Rathi S/o Shri Mangal Chandr.a Rathi, Aged About 29 Years, R/o H-08, Het Nagar, Udasar Moad Jaipur Road Bikaner
78. Dr. Nahar Singh Meena S/o Shri Braj Lal Meena, Aged About 38 Years, R/o 103 Bhavyaa Green Apartments Ramnagariya Jagatpura Jaipur 302017
79. Dr. Jaspreet Singh S/o Shri S. Sher Singh, Aged About 29 Years, R/o Village Rosiana, Post Office Saharan Majra, Distt Ludhiana, Punjab 141117
80. Dr. Rachitha N D/o Shri Nagendr.a M, Aged About 28 Years, R/o 791, 9Th Main, 8Th Cross, C Block, 3Rd Stage, Vijayanagara, Mysore, Karnataka, 570017
81. Dr. Viram Singh Rathod S/o Shri Amar Singh Rathod, Aged About 28 Years, R/o Glass Bazaar, Brucepet, Ballari, 583101, Karnataka





82. Dr. Ashwini B D/o Shri Vijay Kumar B, Aged About 27 Years, R/o Hno 12-10-51/27/a, Flat 305, Krishna Ashirwad Apartments, Siyatalab, Raichur, Pin 584102
83. Dr. Bineeta Singh Parihar D/o Shri N. K. Parihar, Aged About 27 Years, R/o Vill Dewalchour Kham, Po Manpur West, Rampur Road, Haldwani, Distt Nainital, Uttarakhand, 263139.
84. Dr. Shubham Solanki S/o Shri Rajendra Pal Singh Solanki, Aged About 27 Years, R/o B-41, Kardhani, Kalwar Road, Jaipur, 302012
85. Dr. balakrishna S/o Shri Siddalingappa, Aged About 29 Years, R/o Vishwaradhya Nagar, near Balaji Temple, Yadgir, Karanataka 585201
86. Dr. Vivek V S/o Shri Mallikarjun V, Aged About 27 Years, R/o Door No 6, Ln Temple Street, Roddam Lane, Bellary, Karnataka Pin -583101
87. Dr. Richa Jain D/o Shri Mr. Raj Kumar Jain, Aged About 28 Years, R/o B-78/602 Pearl Passion, Rajendr.a Marg, Bapu Nagr, Jaipur 302015
88. Dr. Kapil Dixit S/o Shri Ravishankar Dixit, Aged About 28 Years, R/o Ward No. 08 , Village Jharli Tehsil Shrimadhopur District Sikar Rajsthaan 332707
89. Dr. Kiran Kumari D/o Shri Tarachand Poonia, Aged About 29 Years, R/o Gungara, Piprali, Sikar.
90. Dr. Aayushi Choudhary D/o Shri Govind Singh, Aged About 29 Years, R/o S-52, Tara Shanker Pearl Edge, Flat No. 206, Arvind Marg, C-Scheme, Jaipur 302001
91. Dr. Vysakh. K S/o Shri K. Krishnakumar, Aged About 28 Years, R/o Pulari House Vellinezhi, Cherpulasserri, Palakkad, Kerala , 679504
92. Dr. Ruchi Pratihari D/o Shri Moti Lal Meena, Aged About 29 Years, R/o 665A Rk Puram Near Ahinsa Circle Kota.
93. Dr. Vanila Jain D/o Shri Bhanu K Jain, Aged About 26 Years, R/o 8, Tilak Colony, Sector 3, hiran Magri, Opp. Reliance Fresh, Udaipur, Rajasthan Pin 313002
94. Dr. Jeffy Joy.k D/o Shri Joy.k.t, Aged About 28 Years, R/o Kalathuparambil House, Vellangallur P.o, Thrissur, Kerala, 680662
95. Dr. Sharath Kumar M S/o Shri Madegowda, Aged About 28 Years, R/o Mahadeshwara Nilaya Near Byraveshwara



Temple 5Th Cross Halahalli Mandya Karnataka 571401

96. Dr. Anagha R D/o Shri Raveendran, Aged About 29 Years, R/o Krishnakripa,vattoly Bazar, Balussery, Kozhikode, Kerala, 673612
97. Dr. Tarushi Gupta D/o Shri Ramawatar Natani, Aged About 27 Years, R/o A 312 Mahesh Nagar 80 Feet Road Jaipur
98. Dr. Saachi Gupta D/o Shri Sandeep Gupta, Aged About 28 Years, R/o C - 147, Preet Vihar, Near Petrol Pump, Delhi 110092
99. Dr. Nikita Choudhary D/o Shri Samunder Singh, Aged About 28 Years, R/o 1 D - 100, J.n.v. Colony, Bikaner 334001
100. Dr. Gurpreet Kaur D/o Shri Roshan Singh, Aged About 28 Years, R/o 257, Street No 10, North Estate, Bathinda, Punjab- 151001
101. Dr. Payal Charaya D/o Shri Suresh Kumar, Aged About 28 Years, R/o Ward No.16, Dabli Rathan, Hanumangarh Jn. Rajasthan 335801.
102. Dr. Amal Mohan S/o Shri Mohanan S, Aged About 29 Years, R/o Mithaviya, Kottukunnam Po, Vamanapuram, Venjaramood, Trivandr.um, Kerala, 695606
103. Dr. Apoorva Sharma D/o Shri Rajendra Sharma, Aged About 29 Years, R/o 4-E, Hudco Place, New Delhi-110049
104. Dr. Sidhya D/o Shri Satish Kumar Choudhary, Aged About 30 Years, R/o Professors Colony Dighi West Darbhanga Bihar 846004
105. Dr. Akriti Aggarwal D/o Shri Madan Mohan Aggarwal, Aged About 28 Years, R/o House No. 21220, Ajit Road, Bathinda, Punjab 151001
106. Dr. Sulika V. Kinimi D/o Shri K. Vikato Kinimi, Aged About 31 Years, R/o H. No - 188, Old Dairy Farm Road, Kushiabill, Purana Bazaar, Dimapur - 797116, Nagaland
107. Dr. Saransh Mittal S/o Shri Mukesh Mittal, Aged About 28 Years, R/o House No. 33, Ward No. 14, Padampur, Dist - Sgnr (Raj.) 335041
108. Dr. Meghna Aggarwal D/o Shri Inderjeet, Aged About 29 Years, R/o B8/283, Quilla Mohalla, Khudi Gate , Barnala Pin 148101, Punjab





109. Dr. Vivek S/o Shri G. Veeranna, Aged About 27 Years, R/o 10-3/75/4, Garden Road, Vithal Nagar, Kalaburagi, Karnataka 585103.
110. Dr. Poornima K R D/o Shri K Rajakumar, Aged About 29 Years, R/o A4 324 Vbhc Palm Heaven , Doddabelle Village , Kengeri , Bangalore 560061
111. Dr. Aishwarya Malode D/o Shri Laxman Malode, Aged About 27 Years, R/o Shri Vittal,house No 33, Vinayak Nagar, Hubli, Karnataka -580021
112. Dr. Aneesh Joshi S/o Shri Dr. Ashish Joshi, Aged About 27 Years, R/o Usha Chikitsalaya, Fawara Chawk, Neemuch, Madhya Pradesh
113. Dr. Madhurya M D/o Shri Manjunath A S, Aged About 28 Years, R/o 821, Panduranga Nilaya, 8Th Cross, Hebbal 2Nd Stage, Mysore, Karnataka 570017
114. Dr. Anuraj K S/o Shri Pradeep Kumar, Aged About 28 Years, R/o Kacheri House, Kakkur P.o, Kozhikode, Kerala, 673613.
115. Dr. Stephen Alexander S/o Shri E A Alexander, Aged About 31 Years, R/o Enchenattil House Perumbaikadu P.o , Samkranthi , Kottayam, Kerala 686016
116. Dr. Pooja P Jamadar D/o Shri Prakashsing, Aged About 27 Years, R/o Near Dandin Durga Temple,savanur Dist-Haveri, Karnataka Pin -581118
117. Dr. Aswathy Joseph D/o Shri Joseph Joseph, Aged About 28 Years, R/o Palliparambil House, Palace Ward, Alappuzha, Pin 688011.
118. Dr. Vignesh Kumar S S/o Shri Sabari Malaiyan G, Aged About 28 Years, R/o No1/2, Kalingarayan First Street, Old Washermanpet, Chennai 600021
119. Dr. Roopam D/o Shri Rajeev, Aged About 28 Years, R/o 807/23 D.l.f. Colony, Rohtak, Haryana-124001.
120. Dr. Sangeetha J Nair D/o Shri Jayaprakash P, Aged About 28 Years, R/o Charinjethu House, Nrra 91 A, Byelane 5, Nethaji Road, Near Power House, Aluva 683101, Ernakulam, Kerala
121. Dr. Manish Kumar S/o Shri Krishan Kumar, Aged About 28 Years, R/o Vpo-Bawwa Teh- Kosli Distt- Rewari Haryana 123303
122. Dr. Krishna Pal Kohli S/o Shri Rajan Lal, Aged About 26



Years, R/o Village Khurmola, Bagiyal Khet, Teh. Dunda, Distt. Uttarkashi, Uttarakhand, Pin. 249152

123. Dr. Saurabh Bagra S/o Shri Suresh Chandra Bagra, Aged About 27 Years, R/o 118, Salasar City, C-Block, Munnawali Dhani, niwaru Road, Jhotwara, Jaipur, Rajasthan, 302012
124. Dr. Arpit Goel, S/o Shri Dinesh Goel, Aged About 29 Years, R/o M/s D.k. Electricals Tosham Road Bhiwani
125. Dr. Vipul Swami S/o Shri Suresh Swami, Aged About 26 Years, R/o Swami Nursing Home, Ward No 18, Teh-Bhadra, Distt- Hanumangarh, Rajasthan
126. Dr. Brateen Roy S/o Shri Bijan Kanti Roy, Aged About 29 Years, R/o Flat No A3N, Landmark Apt, Anil Nagar, Rajgarh Link Road, Guwahati, Assam, 781007
127. Dr. Archita Makharia D/o Shri Govind K Makharia, Aged About 27 Years, R/o Tg3/1A, Orchid Gardens, Suncity, Sector 54, Gurugram, 122002
128. Dr. Sahil Kharbanda S/o Shri Charan Singh, Aged About 26 Years, R/o H.no 1257 Lal Chand Colony Ward No 1 Jhajjar Haryana 124103
129. Dr. Mukul Singhal S/o Shri Dinesh Gupta, Aged About 27 Years, R/o C-1/301, Neelpadamkunj Apartments, Sector-1, Opposite Dabur, Vaishali, Distt. Ghaziabad, Up-201010
130. Dr. Akshaya B Ajish D/o Shri Ajish Kumar C S, Aged About 29 Years, R/o Adarsh Angadical South Po Kodumon 691555, pathanamthitta Kerala
131. Dr. Atul Agarwal S/o Shri Jugal Kishore Agarwal, Aged About 27 Years, R/o 66 Jai Nagar Rampura Road Sanganer Jaipur
132. Dr. Akansha Jain D/o Shri Sunil Kumar Jain, Aged About 28 Years, R/o H. No. 2558 Gali Purohitan, Jiwali Bazar, Rewari, Haryana 123401
133. Dr. Surbhi D/o Shri Hanumantha Singh Faujdar, Aged About 30 Years, R/o 8 Gangapur Enclave, Tonk Road, Sitapura, Jaipur. 302022
134. Dr. Varalakshmi Karasala D/o Shri Eleesha Karasala, Aged About 29 Years, R/o Sri Hemadurga Signature Apartment, Ravindr.a Nagar 2St Line, Guntur Andhrapradesh.
135. Dr. Monika Garg D/o Shri Yogesh Kumar Garg, Aged About 28 Years, R/o 232/4 Jagriti Vihar, Meerut, Uttar





Pradesh, 250004

136. Dr. Pranav Pujari S/o Shri Naveen Chandra Pujari, Aged About 27 Years, R/o Sri Niwas, Bithoriya No1, Haldwani, Nainital, Uttarakhand, 263139
137. Dr. Kirandeep Kaur D/o Shri Manjit Singh, Aged About 29 Years, R/o Street No 6, Baba Fateh Singh Nagar, Phagwara, Distt Kapurthala, Punjab , 144401
138. Dr. Virali Trivedi D/o Shri Avinash Chandr.a Trivedi, Aged About 29 Years, R/o 100 Maldas Street Pathko Ki Pole Udaipur Rajasthan 313001
139. Dr. Deepti Shah D/o Shri Dinesh Shah, Aged About 27 Years, R/o 6/64, Vidyadhar Nagar, Sector6, Jaipur 302039
140. Dr. Kshama Rao D/o Shri Rohit H Kumar, Aged About 31 Years, R/o Ananda Nilaya , C/o Dr. Vasanth Rao, Ramachandrashetty Layout, Kaggalipura, Kanakapura Road, Bangalore, Karnataka 560082
141. Dr. Kamalpreet Kaur D/o Shri Jaswinder Singh, Aged About 27 Years, R/o Village Nawan Pind (Bahadur), Tibri, Gurdaspur, Punjab, Pin 143530
142. Dr. Yashshwani Gaur D/o Shri Naveen Chand, Aged About 28 Years, R/o Hno 2596 Block C Sushant City, Sector 32 Kurukshetra, 136118
143. Dr. Sunilgouda Mudigoudra S/o Shri Goudappagouda, Aged About 27 Years, R/o 217 Bhagya Nagar Ramdurg. Dist-Belgaum. Karnataka 591123
144. Dr. Richa Nagar D/o Shri Rajesh Nagar, Aged About 28 Years, R/o B-23,devi Path, Nehru Nagar, Pani Pech, Jaipur-302016
145. Dr. Pooja Kochar D/o Shri Vimal Chand Kochar, Aged About 29 Years, R/o In Front Of Arya Samaj School,jail Road, Bikaner
146. Dr. Shailja Kumari D/o Shri Somvir Singh, Aged About 28 Years, R/o Vpo -Paluwas Tehsil And District -Bhiwani, Haryana, 127021
147. Dr. Vidya Tharu K D/o Shri Dr. K V Rao, Aged About 29 Years, R/o 104, Ayaachi Apartments, Sector 45, Gurgaon , Haryana- 122002
148. Dr. Irum Jawaid D/o Shri Md Jawaid Ahmed Shamsi, Aged About 30 Years, R/o Top Floor,building 2/70,jangpura -A,new Delhi 110014





149. Dr. Gokul S/o Shri Swaminathan, Aged About 31 Years, R/o No-20/9, Sadayappa Nagar, Bypass Road , Musiri-621211, Tiruchirapalli (Dt), Tamilnadu
150. Dr. Ajay S/o Shri Dalip Singh, Aged About 27 Years, R/o House No. 142 Sector 7 Gohana District Sonapat Haryana
151. Dr. Samiksha Meena D/o Shri Ghan Shyam Meena, Aged About 30 Years, R/o Plot No 15 , Nand Vihar Model Town C Malviya Nagar Jaipur, Rajasthan 302017.
152. Dr. D Sabarish S/o Shri M K Dhavamani, Aged About 28 Years, R/o 152/34 Dr. Besant Road, Triplicane, Chennai 600005, Tamilnadu
153. Dr. Abinayah Kanniah D/o Shri K.kanniah, Aged About 29 Years, R/o 40/25,third Street, Mallika Nagar, Tambaram West,chennai, Tamilnadu-600045
154. Dr. Ruby Singhal D/o Shri Kamlesh Kumar Singhal, Aged About 29 Years, R/o House No. 81,dhobi Pada Bari,dholpur,rajasthan-328021
155. Dr. Abhishek Ghai S/o Shri Sunil Ghai, Aged About 30 Years, R/o 15/1 Hig Flats, Sanjay Place,agra,uttarpradesh
156. Dr. Thillaiarasu S/o Shri Jayavelan, Aged About 28 Years, R/o 3/75 , Nambipatti , H.doddampatty , Harur , Dharmapuri (Dt) , Tamilnadu - 636903
157. Dr. Deepika D/o Shri Rajesh, Aged About 28 Years, R/o H. No. 623, Ward 16, Chhavni, Jhajjar, Haryana, Pin 124103
158. Dr. Ritesh Rathee S/o Shri Jitender Rathee, Aged About 30 Years, R/o Flat A 051, Gulshan Ikebana, Sector 143, Noida, Uttar Pradesh, 201306
159. Dr. Nupur Jolly D/o Shri Vinay Kumar Jolly, Aged About 28 Years, R/o 3/359 Malviya Nagar Jaipur Rajasthan 302017
160. Dr. Caren Candace Selvin D/o Shri Bhagianathen Selvin, Aged About 29 Years, R/o House No 1, Lakeview, Landsdownpark, Thuruvickal Post, Trivandr.um 695011.
161. Dr. Anjali D/o Shri Ravinder Kumar, Aged About 28 Years, R/o Sfs Flat No. 84, Rajouri Apartments, Opp. Govt Of India Press, Mayapuri, New Delhi- 110064
162. Dr. S. Arun Sathish S/o Shri Sivalingam, Aged About 37 Years, R/o No 11/14, Nehru Street, Teachers Colony, Ambattur, Chennai, Tamilnadu, 600053
163. Dr. Shalima S D/o Shri V M Surendr.ababu, Aged About



27 Years, R/o Suvasha Nivas. Plot No30,31. Mothilal Nehru Nagar. Jothy Street. Navarkulam. Lawspet. Pondicherry 605008

164. Dr. Navdeep Chohan S/o Shri Kulwant Singh Chohan, Aged About 33 Years, R/o H No.105, Dashmesh Nagar, Ferozepur City, Punjab Pin 152002
165. Dr. Arun M A S/o Shri Ananthappa P, Aged About 30 Years, R/o 310, 9Th Cross, 1St Stage, Jayasuryanagar, Vidhana Soudha Layout, Kogilu, Yelahanka Bangalore 560064
166. Dr. Nivedita D/o Shri Mr Avtar Singh, Aged About 28 Years, R/o Qtr No. R312 , Dera Baba Jaimal Singh, Dera Beas, Distt Amritsar
167. Dr. Shivananda P Hireningappanavar S/o Shri Pundaleekappa H, Aged About 30 Years, R/o Shanthi Nilaya,near Bus Stand,radder Timmapur,badami Aluk,bagalkot,karnataka 587206
168. Dr. Ankit Saini S/o Shri Karan Singh Saini, Aged About 29 Years, R/o Hno. 41/type-2/sector-1 Bhel, Haridwar, Uttarakhand 249403.
169. Dr. Poonam Awana D/o Shri Satpal Awana, Aged About 32 Years, R/o Behind Vasu General Store , Patel Nagar Bikaner 334003 Rajasthan
170. Dr. Vishwanath K G S/o Shri K.v.govindarajulu, Aged About 30 Years, R/o 2/42, Karikera Village And Post, Gudibanda Mandal, Ananthapur District, Andhra Pradesh
171. Dr. Ashok Sharma S/o Shri Late Lalaram Sharma, Aged About 27 Years, R/o Sarangpura Bad K Balaji Jaipur , 302026
172. Dr. Inderpreet Kaur D/o Shri Ajit Singh, Aged About 29 Years, R/o Flat No.2-3, Nakshatra Apartments, Jonapur, New Delhi-110047
173. Dr. Nidhi Shrivastava D/o Shri Rajendra Kumar Shrivastava, Aged About 31 Years, R/o 36, Miyanpur-1, Hussenabad, Jaunpur, Uttar Pradesh , India, 222002
174. Dr.mayuresh M Hanchnal S/o Shri Mahantesh I Hanchnal, Aged About 28 Years, R/o Behind Dr. Geeta Joshi Clinic,4Th Cross, Saptapur, Dharwad 580001, Karnataka
175. Dr. Prashant Kumar S/o Shri Satyadeo Singh, Aged About 29 Years, R/o Flat 301 Shiv Shourya Residency Adarsh



Nagar Jaipur

176. Dr. Shivaraj Hadimani S/o Shri Siddappa, Aged About 29 Years, R/o S/o Siddappa Hadimani At Post Tumbagi 586214, Tq. Muddebihal Dist. Vijayapur Karnataka.
177. Dr. Reshmi Harikumar Pillai D/o Shri Harikumar Pillai, Aged About 28 Years, R/o Karyatt H. No. 44/746 , Off Sastha Temple Road , Kaloor Kochi 682017
178. Dr. Nikhil Basil Tom S/o Shri Tomy Mathew, Aged About 29 Years, R/o Kooran House Mekkadu P.o Nedumbassery, Distt. Ernakulam, Kerala.
179. Dr. Varun Kumar M C S/o Shri Chandregowda M N, Aged About 29 Years, R/o Renuka Jewellers, Bagur Road, Chhannarayapattana, Hassan (Distt). 573116, Karnataka.
180. Dr. Nikhil Sirohi S/o Shri Ajay Kumar Sirohi, Aged About 28 Years, R/o House No-24 Sector-9 Faridabad Haryana-121006
181. Dr. Shelly Sapra D/o Shri Ashok Sapra, Aged About 28 Years, R/o 66 A Dda Lig Flats Motia Khan Jhandewalan New Delhi 110055
182. Dr. Raghavendr.a G S/o Shri Ramanjaneya G, Aged About 28 Years, R/o Sri Rama Raksha Nilaya,pampa Housing Colony Manvi 584123,dist Raichur ,karnataka
183. Dr. Juhi Agarwal D/o Shri Ramesh Agarwal, Aged About 28 Years, R/o 103, Balaji Enclave, Begur Koppa Road, Yelenahalli, Bangalore, Karnataka-560014
184. Dr. Poornima.n D/o Shri Nagaraju.k, Aged About 29 Years, R/o 141C, Kiran Nilaya, Vinayaka Nagara, Hanur, Chamrajanagara District, Karnataka 571439.
185. Dr. Ansika Yadav D/o Dayaram Yadav, Aged About 31 Years, R/o House No. 447, Chhjupura Colony, Mahendragarh, Haryana.
186. Dr. Alaksh Kher S/o Shri Rakesh Kher, Aged About 28 Years, R/o 59, Sec-6, Chiranjiv Vihar, Ghaziabad, U.p., 201002
187. Dr. Pratibha D/o Shri Nandram, Aged About 31 Years, R/o Vpo-Salarpur, Teh-Tijara, Distt-Alwar 301018
188. Dr. Naveen Kumar S/o Shri Rajpal Singh Yadav, Aged About 33 Years, R/o Village-Shekhawash, Post-Chandpur, Teh-Mundawar, Dist-Alwar, 301407





189. Dr. Vaishali C D/o Shri Chandrasekar S, Aged About 28 Years, R/o 23, Gf, First Street, Andal Gardens, Ramapuram, Chennai-600089
190. Dr. Urvashi Sharma D/o Shri Sanjiv Kumar Sharma, Aged About 31 Years, R/o House No 5/492, Station Street, Khalsapur Road, Tarn Taran, Punjab Pin 143401
191. Dr. Vimal Soni S/o Shri Sampat Raj, Aged About 32 Years, R/o Kailash Nagar, Ward No.2, Sanchole, Jalore, Rajasthan, 343041
192. Dr. Manasvin Sareen S/o Shri Dr. Devendra Sareen, Aged About 26 Years, R/o 27-F, New Fatehpura, Near Sukhadia Circle, Udaipur-313001, Rajasthan
193. Dr. Kannupriya Choudhary D/o Shri Ramdev Choudhary, Aged About 26 Years, R/o Bhagat Singh Colony, Near Lic Office, Nokha (Bikaner) Pin 334803
194. Dr. Navleen Khurana D/o Shri Gurinder Singh Khurana, Aged About 29 Years, R/o 117-A, Padmawati Colony 1st, Nirman Nagar, Jaipur
195. Dr. Vitusha Suri D/o Shri Dr. Anil Suri, Aged About 28 Years, R/o A-2, National Institute Of Immunology (Nii), Aruna Asaf Ali Marg, New Delhi-110067
196. Dr. Chanchal Arora D/o Shri Dharamveer Arora, Aged About 26 Years, R/o 265/457, Sector-26, Pratap Nagar, Sanganeer, Jaipur, Rajasthan, 302033
197. Dr. Sakshi Agarwal D/o Shri Dr. Ajay Agarwal, Aged About 28 Years, R/o A-788, Kamla Nagar, Agra, Uttar Pradesh, 282005
198. Dr. Ravina Yadav D/o Shri Vijay Singh Yadav, Aged About 28 Years, R/o Bhathari Colony, Ward No 35, Behror, Alwar, Rajasthan, 301701
199. Dr. Sunjot Kaur D/o Shri Bhagwant Singh, Aged About 29 Years, R/o Street No. 3 Gurdit Nagar, P/o Sadhu Ashram, Opp. St. Farid School, Hoshiarpur
200. Dr. Akshata C Angadi D/o Shri Chandrasekar, Aged About 28 Years, R/o D317 Shantinikethan Bhairidevarakoppa Hubli-580031, Karnataka
201. Dr. Swati D/o Shri Arvind Kumar, Aged About 29 Years, R/o 104, Rams Lakeview Meadows, Bagalur Cross, Yelahanka, Bangalore 560063.
202. Dr. Sidharth Sharma S/o Shri Narendra Kumar, Aged



About 27 Years, R/o A-506, Gali No. 1, Nathu Colony, Nathupura, Delhi-110084

203. Dr. Vishal Gupta S/o Shri Brajesh Prasad Gupta, Aged About 29 Years, R/o H.c Ghosh Lane , Near Bhagat Singh Chowk Madhupur Dist Deoghar Jharkahnd 815353
204. Dr. Himanshu Nagar S/o Shri Chothmal Nagar, Aged About 27 Years, R/o V/p- Siswali, Teh. Mangrol, Dist.- Baran, 325206
205. Dr. Shreya Pradhan D/o Shri Rajeshwar Nath Pradhan, Aged About 30 Years, R/o 20/21 Bhrigu Path, Mansarovar, Jaipur, Rajasthan 302020
206. Dr. Anjuman Sayyed D/o Shri Sayyed Irashad Ali, Aged About 28 Years, R/o House No. 148, Shamshan Chauraha, Adarsh Nagar, Jaipur 302004
207. Dr. Kuldeep Singh S/o Shri Baljit Singh, Aged About 29 Years, R/o Vpo- Ghogra, Tehsil- Dasuya, Hoshiarpur, Punjab , 144205
208. Dr. Prachika Indora D/o Shri Surat Singh Indora, Aged About 28 Years, R/o House No 2183, Sector 3 Part, Rohtak, Haryana
209. Dr. Bharti D/o Shri Vikram Singh, Aged About 29 Years, R/o House No 4 Mandela Pada, bori Tehsil Garhi Dis. Banswara 327001
210. Dr. Akshita Gupta D/o Shri Sunil Kumar Gupta, Aged About 29 Years, R/o 17 Priti Nagar, Hisar, Haryana - 125001.
211. Dr. Sapna Choudhary D/o Shri Narendr.a Singh Dangawas, Aged About 28 Years, R/o S. R. Choudhary Memorial Hospital, Behind Passport Office, Fatehpur Road, Sikar- 332001, Rajasthan
212. Dr. Komal D/o Shri Satbir Singh Dabla, Aged About 28 Years, R/o 395/7 Bharat Nagar Bhiwani
213. Dr. Laleeta Meena D/o Shri Thawar Mal, Aged About 29 Years, R/o 88Jatto Ka Mohalla V.p Bairas Ramgarh Shekhawati Sikar
214. Dr. Nikitha Elavasari M D/o Shri Sv Murthy, Aged About 28 Years, R/o 71, G Block, 12 Th Street, Annanagar East, Chennai 600102. Tamilnadu
215. Dr. Shreesh Kumar S/o Shri Shish Ram, Aged About 29 Years, R/o Vill Kandhran Post.thanmathui Tahsil





Sadulpur.dist Churu 331013

216. Dr. Vishal S/o Shri Surender Kumar, Aged About 27 Years, R/o H.num 35, Patelnagar, Behind Bd Mill, Ambala Cantt, Haryana-133001
217. Dr. Jasveer Ola S/o Shri Dalip Ola, Aged About 26 Years, R/o Kankara Barrod, Behror, Alwar, Rajasthan, 301020
218. Dr. Cremica Gupta D/o Shri Dharminder Gupta, Aged About 27 Years, R/o Gupta Trading , Bank Road , Chamkaur Sahibropar Pin 140112
219. Dr. Kashinatha Pujari Y S/o Shri Yamanappa Pujari, Aged About 28 Years, R/o 177 Near Durga Devi Temple Neelanagar Post Shirur Taluk/district Bagalkot Karnataka.
220. Dr. Priya D/o Shri Rajender, Aged About 29 Years, R/o H-No-541 Sector-23 Huda Bhiwani Haryana
221. Dr. Amrita Kesari D/o Shri Amarnath Kesari, Aged About 28 Years, R/o F 53 Income Tax Colony, Sec 21/22, C.b.d. Belapur, Navi Mumbai 400614.
222. Dr. Swati Purohit D/o Narnarayan Purohit, Aged About 29 Years, R/o Outside Chandpole Gate, Near Om Ji Ki School, Sikar, Rajasthan.
223. Dr. Shivani Kabra D/o Dr. Kailash Kabra, Aged About 28 Years, R/o 10-S-1, R.c. Vyas Colony, Bhilwara, Rajasthan - 311001.
224. Dr. Kshitij Kumar S/o Brij Kishore Gothwal, Aged About 29 Years, R/o B-414, Mahesh Nagar, 80 Ft. Road, Jaipur-302015 (Raj.).
225. Dr.simran Thareja D/o S.I. Thareja, Aged About 28 Years, R/o Thareja Children Hospital, Raising Nagar, Distt. Shriganganagar 335051.
226. Dr. Seema Kalasua D/o Shanker Lal Ji, Aged About 28 Years, R/o Village Jambuda, The. Semari, Distt. Udaipur (Raj.).
227. Dr. Namdeep Kaur D/o Balwinder Singh, Aged About 28 Years, R/o Lehal Khurd, P.o. Bhutal Kalan, Tehsil Lehra, District Sangrur, Punjab - 148031.
228. Dr. Aishwarya Gupta D/o Ram Mohan Gupta, Aged About 29 Years, R/o 157, Bharat Nagar, Bathinda, Punjab - 151001.
229. Dr. Sneha Murarka D/o Sanjay Murarka, Aged About 30





Years, R/o C-802, Amrut Kunj, Bhattar Road, Surat, Gujarat - 395007.

230. Dr. P. Gokulakannan S/o T.k. Palanisamy, Aged About 30 Years, R/o 15/16 Ganeshpuram, Manapalli (P.o.), Mohanor, Namakkal (Dt) Tamilnadu.
231. Dr. Yashik Aneja S/o Sunil Aneja, Aged About 27 Years, R/o House No. B-249, Jhulle Lal Colony, Fazilka, Punjab.
232. Dr. Somya Dulara D/o Suresh Dulara, Aged About 28 Years, R/o House No. 318, Block-7, Devaashish City, Kota, Rajasthan.
233. Dr. Lipi Mittal D/o Naresh Mitaal, Aged About 27 Years, R/odp-653, Shekhpura, Palwal, Haryana.

-----Petitioners

Versus

1. The State Of Rajasthan, Through Its Principal Secretary, Department Of Medical And Health Services, Govt. Of Rajasthan, Secretariat, Jaipur, Rajasthan.
2. The Director (P.h.), Medical And Health Services, Govt. Of Rajasthan, Swasthaya Bhawan, C-Scheme, Ashok Nagar, Jaipur, 302007 (Raj.).
3. The Principal Secretary, Medical And Health Department, Govt. Of Rajasthan, Govt. Secretariat, Jaipur (Raj.).
4. The Chairman, D.m/m.ch/m.d./m.s. Candidates Allotment Board- 2022, Ruhs College Of Dental Sciences, Subhash Nagar, Behind T.b. Hospital, Jaipur (Raj.).
5. The Principal And Controller, Sawai Man Singh Medical College, Wr49 - 8J8, New Sms Campus Rd., Gangawal Park, Adarsh Nagar, Jaipur (Raj.).
6. The Principal, Medical College And Controller, Attached Hospital Group, Rangwadi Road Sector- A, Rangwadi, Kota (Raj.).
7. The Principal And Controller, Dr. Sampurnanand Medical College And Associated Group Of Colleges, Jodhpur (Raj.).
8. The Principal, Rajmata Vijaya Raje Scindia Medical College, Bhilwara (Raj.).
9. The Principal And Controller, Rajasthan Medical Education Society, Govt. Medical College, Barmer (Raj.)
10. The Principal And Controller, Pd. Deendayal Upadhyaya Medical College, Churu (Raj.)



11. The Principal And Controller, Sardar Patel Medical College And Associated Group Of Hospitals (P.b.m.), Bikaner (Raj.)
12. The Principal And Controller, Jawaharlal Nehru Medical College And Associated Group Of Hospitals, Ajmer (Raj.).
13. The Principal And Controller, Rabindranath Tagore Medical College And Associated Group Of Hospitals, Udaipur (Raj.).
14. The Principal And Controller, Ruhs College Of Medical Sciences, Jaipur (Raj.).
15. Dr. Jitendra Kumar Choudhary S/o Shri Harfool Singh Choudhary, Aged About 30 Years, R/o Behind Sbbj Bank, Jaitpura, Chomu, Jaipur (Raj.)- 303704.
16. Dr. Manisha Jain D/o Shri Rajesh Kumar Jain, Aged About 28 Years, R/o E-182, Opposite Shiv Park, Ambabari, Jaipur (Raj.)- 302039.

-----Respondents

Connected With

S.B. Civil Writ Petition No. 11531/2022

1. Dr. Krishnapriya S. Kumar D/o Shri Sajeev Kumar G., aged about 28 Years, R/o Plot No.75, Gali No.7, Mahadev Nagar, SKIT College Road, Ramnagariya, Jagatpura, Jaipur (Raj.)
2. Dr. Toshika Agarwal D/o Shri Rajendra Agarwal, Aged About 26 Years, R/o 2-F-2, Housing Board, Shastri Nagar, Jaipur (Raj.).
3. Dr. Rohan Grotra S/o Shri Yogesh Grotra, Aged About 29 Years, R/o Flat No.302, Vanshika Residency, House No.615, Adarsh Nagar, Jaipur (Raj.).
4. Dr. Syed Ahamed Muftah S/o Shri Syed Nizam Babu, Aged About 27 Years, R/o A-3, Subash Nagar, Shastri Nagar, Jaipur (Raj.)
5. Dr. Siddharth Jain S/o Shri Pawan Kumar Jain, Aged About 26 Years, R/o B-10, Resident Doctor Hostel, SMS Medical College, Jaipur (Raj.)
6. Dr. Deepak Shanker S S/o Shri Santosh Kumar KB, Aged About 29 Years, R/o 376A, Gurunanakpura, Rajapark, Jaipur (Raj.)
7. Dr. Rishab Jain S/o Shri Manoj Kumar Jain, Aged About 26



Years, R/o 122, Himmat Nagar, Tonk Road, Jaipur (Raj.)

----Petitioners

Versus

1. The State of Rajasthan, through its Principal Secretary, Department of Medical and Health Services, Govt. of Rajasthan, Secretariat, Jaipur, Rajasthan.
2. The Director (P.H.), Medical and Health Services, Govt. of Rajasthan, Swasthaya Bhawan, C-Scheme, Ashok Nagar, Jaipur, 302007 (Raj.).
3. The Principal Secretary, Medical and Health Department, Govt. of Rajasthan, Govt. Secretariat, Jaipur (Raj.).
4. The Principal Controller, Sawai Man Singh Medical College, New SMS Campus Road, Gangawal Park, Adarsh Nagar, Jaipur (Raj.)

----Respondents

S.B. Civil Writ Petition No.12617/2022

Dr. Tahsim Anwar S/o Md. Tahir, Aged About 34 Years, R/o Master Colony, Rajgangpur, Odisha- 770017.

----Petitioner

Versus

1. The State of Rajasthan, through its Principal Secretary, Department of Medical and Health Services, Govt. of Rajasthan, Secretariat, Jaipur, Rajasthan.
2. The Director (P.H.), Medical and Health Services, Govt. of Rajasthan, Swasthaya Bhawan, C-Scheme, Ashok Nagar, Jaipur, 302007 (Raj.).
3. The Principal Secretary, Medical and Health Department, Govt. of Rajasthan, Govt. Secretariat, Jaipur (Raj.).
4. The Principal and Controller, Sardar Patel Medical College and Associated Group of PBM Hospitals, Bikaner (Raj.).
5. The Chairman, D.M/M.Ch/M.S. Candidates Allotment Board- 2022, RUHS College of Dental Sciences, Subhash Nagar, Behind T.B. Hospital, Jaipur (Raj.).
6. The Principal and Controller, Sawai Man Singh Medical College, New SMS Campus Road, Gangawal Park, Adarsh Nagar, Jaipur (Raj.).
7. The Principal, Medical College and Controller, Attached Hospital Group, Rangwadi Road, Sector-A, Rangwadi,



Kota (Raj.).

8. The Principal and Controller, Dr. Sampurnanand Medical College and Associate Group Of Colleges, Jodhpur (Raj.).
9. Dr. Jitendra Kumar Choudhary S/o Shri Harfool Singh Choudhary, Aged About 30 Years, R/o Behind SBBJ Bank, Jaitpura, Chomu, Jaipur (Raj.)- 303704.

-----Respondents

S.B. Civil Writ Petition No. 12656/2022

Dr. Beena Sen D/o Arvind Sen, Aged About 30 Years, R/o 101/48, Subhash Nagar Kachchi Basti, Nanta Road, Kunhari, Girdharpura, Kota (Raj.)

-----Petitioner

Versus

1. Union of India, through Secretary Government of India, Directorate General of Health Services, Nirman Bhawan, Maulana Azad Road, New Delhi.
2. State of Rajasthan, through Principal Secretary, Department of Medical Education RajMES, Secretariat, Govt. of Rajasthan, Jaipur.
3. Commissioner, Medical Education Department, Directorate of Medical Education RAJMES, "Chikitsa Shiksha Bhawan" Govind Marg, Jaipur.
4. Director, Medical Education Department, Directorate of Medical Education RAJMES, "Chikitsa Shiksha Bhawan", Govind Marg, Jaipur.
5. Principal & Controller, Rajasthan University of Health Science, RUHS Medical College, Jaipur.
6. Principal & Controller, Sardar Patel Medical College & Hospital, Bikaner.
7. Registrar, All India Institute of Medical Sciences, Bhopal (M.P).

-----Respondents

S.B. Civil Writ Petition No. 13307/2022

1. Dr. Shubham Jain S/o Mr. Rakesh Jain, Aged About 27 Years, R/o Munsii Bazar Near Motherland Public School Alwar
2. Dr. Mayank Yadav S/o Mr. Vijay Pal Singh, Aged About 29 Years, R/o 15, Tanwar Colony, Alwar



3. Dr. Shamanth Hiremath S/o Mr. Shivakumar M.C, Aged About 29 Years, R/o House No.23-12-1058/13(4) Mathrukripa, Shivanagara 5th Cross, Pandeshwara, Mangaluru-575001, Karnataka
4. Dr. Mohd Shaloo S/o Mr. Mond Akram, Aged About 31 Years, R/o Gulzarpura Makrana District Nagour Rajasthan 341505
5. Dr. Anil Sankol Sm S/o Mr.Mallikarjunappa Sr, Aged About 27 Years, R/o Sri Rudreshwara Nilaya Behind Police Quarters Rambhapuri Layout Channagiri Davanre
6. Dr.Apoorva Sharma D/o Mr. Rajendra Sharma, Aged About 29 Years, R/o 4-E, Hudco Place, New Delhi-110049
7. Dr. Sam Mathew S/o Mr. Mathew Joseph, Aged About 31 Years, R/o Pakalomattom House, Edappady P.O., Pala, Kottayam Kerala 686578
8. Dr. Veena M D/o Mr. Madhusoodhana Marar, Aged About 32 Years, R/o Neelima, Ponekkara Road, Edapally, Cochin 682024 Kerala
9. Dr. Haritha Ravindran S/o Mr. Ravindran P, Aged About 28 Years, R/o Sree Valsam, Near Old Tile Factory, Thenur P.O., Palakkad, Kerala- 678612
10. Dr. Prashant Santlani S/o Mr. Rajesh Santlani, Aged About 29 Years, R/o Lav Kush Nagar Tonk Phatak Jaipur
11. Dr. Shivangi Gupta D/o Mr. Anil Kumar Gupta, Aged About 29 Years, R/o A-604, Crossing Republic, Gaziabad
12. Dr. Shridevi P Edigar D/o Mr. Prabudev Edigar, Aged About 28 Years, R/o 170 Shivanandnagar Navanagar Hubli 580025 Karnataka
13. Dr. Monika, D/o Jagdish Chander, Aged About 28 Years, R/o H.no 179-B, Sector 7, Gohana, Haryana
14. Dr. Rakesh Kumar Jangir, S/o Raychand Jangir, Aged About 29 Years, R/o Dudoli, Teh. Didwana Nagaur
15. Dr. Jestin Alias, S/o Alias V Paul, Aged About 29 Years, R/o Valiathottathil House, Ramamangalam P.O., Ernakulam Dt, Kerala
16. Dr. Ayushi Saxena, D/o Akhilesh Saxena, Aged About 29 Years, R/o - 121/170, Vijay Path, Mansarovar, Jaipur
17. Dr. S Renjana, S/o K S Sasikumar, Aged About 28 Years, R/o Kaippallil House, Kadappakada PO, Kollam - 691008,



Kerala

18. Dr. Jongpongyangla N Imti, S/o M Nungsang Imti, Aged About 28 Years, R/o - House No. 9, E Khel, 4th Mile, Diphupar Dimapur - 797115, Nagaland
19. Dr. Poornima Mundanattu, D/o Sasidharan M R, Aged About 29 Years, R/o - Mundanattu (H), Venginissery, Thrissur, Kerala - 680563
20. Dr. Sreehari J, S/o K G Jayakumar, Aged About 29 Years, R/o Anitha Bhavan, Prayar P O, Oachira, Alappuzha, Kerala - 690563
21. Dr. Prachi Mathur D/o Mr. Atul Mathur, Aged About 29 Years, R/o Green Park, Khatipura Road, Jaipur- 302021
22. Dr. Namrata Kaushik D/o Yogendra Kaushik, R/o Ramni Kunj New Colony, MI Road, Jaipur.

----Petitioners

Versus

1. The State of Rajasthan, through its Principal Secretary, Department of Medical and Health Services Govt. of Rajasthan, Secretariat, Jaipur, Rajasthan.
2. The Director (P.H.), Medical and Health Services, Govt. Of Rajasthan, Swasthaya Bhawan, C-Scheme, Ashok Nagar, Jaipur, 302007 (Raj.).
3. The Principal Secretary, Medical and Health Department, Govt. of Rajasthan, Govt. Secretariat, Jaipur (Raj.).
4. The Principal Controller, Sawai Man Singh Medical College, New SMS Campus Road, Gangwal Park, Adarsh Nagar, Jaipur (Raj.)

----Respondents

(2.) S.B. Civil Writ Petition No. 15021/2022

Dr.Anurag Bhakhar S/o Shri Atmajeet Singh Bhakhar, Aged About 27 Years, R/o Village-5 PPB, P.O. Ghamodwali, Tehsil Padampur, District Sriganaganagar (Raj.)

----Petitioner

Versus

1. The State of Rajasthan, through its Principal Secretary to the Government, Medical Education Department, Govt. of Rajasthan, Secretariat, Jaipur, Raj.



2. The Director (P.H.), Medical and Health Services, Govt. of Rajasthan, Swasthaya Bhawan, C-Scheme, Ashok Nagar, Jaipur, 302007 (Raj.)
3. The Principal Secretary, Medical and Health Department, Govt. of Rajasthan, Government Secretariat, Jaipur (Raj.)
4. The Principal, Sawai Man Singh Medical College and Controller of the Attached Hospitals, SMS Campus, JLN Marg, Jaipur (Raj.)

----Respondents

For Petitioner(s) : Mr.Vigyan Shah, Adv. with Mr.Akshit Gupta, Adv. & Ms.Sarah S. Sharma, Adv.
Ms.Purvith Mathur, Adv. & Mr.Kushagra Sharma, Adv.
Mr.Majhar Hussain, Adv. & Mr.Sameer Khan, Adv.
Mr.Dinesh Yadav, Adv. (SBCWP No.15021/2022)

For Respondent(s) : Mr.M.S. Singhvi, Advocate General assisted by Mr.Darsh Pareek, Adv. & Mr.Siddhant Jain, Adv.
Dr.V.B. Sharma, AAG with Mr.Harshal Tholia, Adv. & Mr.Ankit Rathore, Adv.
Mr.Angad Mirdha, Adv.
Ms.Manjeet Kaur, Adv. with Ms.Anjali Minocha, Adv., Mr.Ashish Kumar on behalf of Mr.R.D. Rastogi, ASG.
Mr.B.S. Chhaba, Deputy Solicitor General of India assisted by Mr.Mukesh Dudi, Adv.

HON'BLE MR. JUSTICE ASHOK KUMAR GAUR
Order

**Order reserved on : 28th September, 2022 &
14th October, 2022**

Date of Order : 10th, November, 2022

REPORTABLE

These writ petitions since involve common issues, as such, with the consent of learned counsel for the parties, the same are decided by this common order.



The petitioners in all the writ petitions after their admission in the year 2019-20 have completed their Post Graduate Medical Degree from different medical Colleges in the State of Rajasthan, they felt aggrieved against the order dated 12.07.2022 and notification dated 04.08.2022.

The facts of **S.B. Civil Writ Petition No.12611/2022** are taken as a lead case and this Court deems it proper to quote the prayer made in the said writ petition, as follows:-

(i) The impugned order dated 12.07.2022 and impugned notification dated 04.08.2022, may kindly be declared illegal and arbitrary and therefore, same may kindly be quashed and set aside;

(ii) By issuing appropriate writ or direction in the nature thereof the respondents may kindly be directed:-

(a) To release documents of the petitioners,

(b) Not to invoke the condition No.2 making security deposit of Rs.25 Lakhs,

In the alternative;

(c) To provide all vacancies of Senior Residents in Govt. and RAJMES Colleges for allocation afresh for PG candidates in pursuance to Policy dated 12.07.2022;

(d) To appoint Post Graduates against such posts for which the qualification is Post Graduation Degree/Diploma;

(e) To adhere to the mandate of Applicable Laws;

The petitioners have pleaded that they were granted admission in Post Graduate Medical Course in different subjects under the All India and State Level quota in the Session 2019-2020 at different Medical Colleges. The petitioners passed out their Post Graduate Degree Course in May, June & July, 2022.



The petitioners have pleaded that at the time of giving admission to them, they were required to execute a service bond/undertaking in favour of the State Government to the effect that after completion of course, they would be bound to serve the Government for a minimum period of five years, if Government desired and on such failure, they were liable to deposit a penalty of Rs.25 Lakhs.

The petitioners have pleaded that initially S.B. Civil Writ Petition No.11531/2022 was filed before this Court, wherein the petitioners were selected for Senior Residentsip in the institutes of National importance like AIIMS/PGI/JIPMER and their documents were not released by the State Government and this Court vide interim order dated 04.08.2022, directed the State Government to release the documents subject to undertaking/bond to be furnished by the petitioners to join the employment, if offered by the State Government. The State Authorities were directed to release the documents of the petitioners on furnishing such undertaking.

The petitioners have pleaded that like the petitioner- **Dr.Krishnapriya S. Kumar and Ors. Vs. The State of Rajasthan** in **S.B. Civil Writ Petition No.11531/2022**, some of the other similarly situated candidates applied for the Senior Residentsip programme, however, they were not considered and as such, details of such 9 candidates have been furnished, who appeared for the Senior Residentsip but were not selected.

The petitioners have pleaded that after interim order was passed by this Court in *S.B. Civil Writ Petition No.11531/2022*, the State Government on 04.08.2022 issued notification, asking all



such candidates, who were admitted in the Academic Year 2019 in the course of DM/M.Ch/MD/MS and passed out in the Academic Session 2022, to apply online for the post of Assistant Professor/Senior Demonstrator/ Senior Resident/Medical Officer/Junior Specialist/Junior Resident, on urgent temporary basis/tenure basis.

The petitioners have pleaded in the writ petition that the order dated 12.07.2022, was made applicable upon those candidates who were pursuing their Post Graduate Course or Super Speciality Course i.e. from Academic Session 2022-23, however, the respondents also made the said order applicable from the Session 2019-20 by applying it retrospectively, even to the candidates like petitioners, who had already passed their Three Year Course, before issuance of order dated 12.07.2022.

The petitioners have pleaded that in order to implement the order dated 12.07.2022, the Medical Education Department constituted a State Level Counselling Board of Seven Members to complete the process of taking two years service from the candidates, who have qualified Post Graduate and Super Speciality Course and accordingly, they issued an order dated 22.07.2022.

The petitioners have pleaded that the impugned order/policy dated 12.07.2022 and notification dated 04.08.2022, have been passed in violation of the various provisions laid down in the National Medical Commission Act, 2019, the Teachers Eligibility Qualifications in Medical Institutions Regulations, 2022, the Medical Council of India Post Graduate Medical Education Regulation, the Rajasthan Medical Service (Collegiate Branch)



Rules, 1962 and the Rajasthan Medical and Health Service Rules, 1963.

The petitioners have pleaded in their petitions that the policy of the execution of bond by the candidates after acquiring the requisite qualification, is also prevalent in other States. The petitioners have quoted an example of notification of Karnataka Government, whereby candidates who have completed their Post Graduate Degree/Diploma Course, are required to serve for one year compulsory services in the Government Hospitals and their posting is to be given in the concerned speciality as per merit-cum-choice. Similarly, an example of Government of Himachal Pradesh has also been quoted, where candidates are appointed for a period of two years based upon their specialization.

The respondents-State filed reply to the writ petition and pleaded that the State Government by issuing an order dated 12.07.2022, has prescribed a process for appointing the students who have completed their Post Graduation and Super Speciality Courses from the Government Medical Colleges to serve in the State of Rajasthan and such students were required to submit/execute a bond in this regard and the State Government reduced the period of compulsory service from 5 years to 2 years and the same has been made applicable to all the students from the Academic Session 2019-20 onwards. The State has pleaded that as per their requirement, the candidates would be required to work as Senior Resident, Associate Professor, Junior Resident, Senior Demonstrator and Medical Officer and allotment process would be conducted by a Counselling Board, the Counselling Board, was to proceed as per merit-cum-choice & preference and



merit was to be based on NEET rank and candidates were requested to fill their choices for the vacancies, allowing the meritorious students/candidates to opt for posting, as per their choice.

The respondents have pleaded that in furtherance of order dated 12.07.2022, they constituted a Counselling Board and vide notification dated 04.08.2022 informed all the candidates that online allotment process for appointment on the various posts have been initiated and all the candidates were instructed to authenticate their details that was available on the website and accordingly on 05.08.2022, a list of students from Broad Speciality and Super Speciality was uploaded on the Official Website and as such, a revised list was also prepared on 09.08.2022 and the same was uploaded wherein 88 students were shown in Super Speciality list and 659 students were shown in Broad Speciality list.

The respondents have pleaded that the Counselling Board had uploaded the vacant post matrix of total 1621 posts of Assistant Professor, Senior Demonstrator, Senior Resident and Junior Resident collectively and as such, the complete schedule was provided for filling the online application form.

The respondents have pleaded that the State Government is proceeding in expeditious manner and taking all the steps to appoint the candidates in a just and fair manner coupled with their merit-cum-choice.

The respondents have pleaded that the specific reason for execution of bond by the candidates, was to repay the State Government and public at large for the expenses incurred in



providing subsidized education and to build the infrastructure which was required to provide Specialised Educational Course.

The respondents have pleaded that education is provided to the students of the Government Medical Colleges at minimum fees and it is not a fundamental right of the petitioners to pursue their Post Graduate and Super Speciality Course in the Government Medical Colleges on a subsidized fees. The State has justified withholding of the original documents to ensure fulfillment of the conditions of the bond.

The respondents have also pleaded that the allegation of violation of National Medical Commission Act, 2019, the Post Graduate Regulations Act, 2000 and the National Medical Commission PEQ Regulations, 2022 is not at all justified and the petitioners are bound to serve the State Government as per the undertaking given by them. The Post Graduate Doctors even if they are posted as Medical Officers, the same cannot result into any violation of rights of the petitioners and it is for the State Government to take the services of the Doctors for providing the basic health facilities to its citizen.

The respondents-State has pleaded that the petitioners are not honoring the undertaking which they have unequivocally submitted and the State Government by issuing the order and asking the petitioners to serve the State Government, has not violated any provisions of law.

The petitioners have filed rejoinder to the reply and they have pleaded that the respondents on the one hand issued the order dated 12.07.2022 and notification dated 04.08.2022 for making selections by constituting a Board and on the other hand,



Walk-in Interviews were conducted by the various Medical Colleges ignoring the NEET PG Rank and details of certain Medical Colleges have been given, where Walk-in Interviews were held and appointments were made.

The petitioners have pleaded in their rejoinder that various vacancies were filled up by less meritorious NEET PG rank holders and as such, the State Government is desirous of taking the services of the petitioners on lower post like Junior Resident etc. ignoring their qualification of Post Graduate.

The petitioners have pleaded that the actual intent of the State Government behind withholding the documents is to force the petitioners to pay the bond amount while filling up the post of Senior Resident ignoring the NEET PG criteria and to deprive the petitioners from Senior Residency in the premium Government Medical Colleges.

The respondents filed an additional affidavit dated 13.09.2022, whereby the two orders dated 24.02.2015 and 17.02.2016 have been placed on record, requiring the execution of bonds by the candidates who joined the Post Graduate and Super Speciality Courses. The respondents have placed on record the details with regard to total number of candidates, who were available for allotment and name of speciality, etc.

The respondents filed another additional affidavit dated 23.09.2022, wherein they informed this Court that the State Government thought it proper to work out the solution on the issue of utilisation of services of the candidates, who have passed Post Graduate commensurating with their qualification and as such, meeting of different Higher Officials of the Government of



Rajasthan had taken place and after approval of the Competent Authority, the formal order was to be placed before the Court.

Learned Advocate General Mr.M.S. Singhvi filed another additional affidavit before this Court, wherein an order dated 27.09.2022 has been placed on record. The respondents by issuing the order dated 27.09.2022, have decided to take the services of the candidates, who have completed their PG studies under the service bond to be known as 'Post Graduate Medical Consultant' and to be employed on contract basis on fixed monthly remuneration in first year by paying them remuneration of Rs.85,000/- and in the second year Rs.90,000/- monthly. The respondents have decided to consider the Post Graduate Medical Graduates and persons after completing the Super Speciality Courses for the post of Senior Resident in the Government Medical Colleges, Assistant Professor in the Government Medical Colleges for the candidates completing their Senior Residency in Broad Speciality, the Junior Specialists in Medical Health Department and any other post prescribing the qualification of Post Graduate.

The respondents have also decided that such persons will be appointed on vacant post on the basis of merit-cum-choice, as per procedure laid down in the order dated 12.07.2022.

Learned counsel for the petitioners have confined their challenge to the following actions of the respondents i.e.

(i) the post offered to the petitioners does not commensurate with their qualification,

(ii) action of State of appointment of persons by way of Walk-in Interviews without following order dated 12.07.2022 and notification dated 04.08.2022 is arbitrary and discriminatory and,



(iii) the respondents do not have any power to retain the original documents of the petitioners.

Learned counsel for the petitioners have made following submissions:-

1. JOB/POST OFFERED TO THE PETITIONERS DOES NOT COMMENSURATE WITH THEIR QUALIFICATION:-

(a) The offer of job to the petitioners or to ask them to work on a post which does not commensurate with the qualification acquired by them, is per se illegal and arbitrary.

(b) The State while offering the job to the petitioners cannot ask them to work on the lower post and the same results into sheer misuse of talent and skill acquired by the petitioners after acquiring the Post Graduate Medical qualification and such decision suffers from non-application of mind.

(c) The State being a model employer will not be justified in asking the petitioners to work on such posts and places, where infrastructure is not adequate to utilize their skill and only on account of signing a bond, the petitioners cannot be forced to work on such posts, which are to be manned by a person of having lower qualification.

2. GOVERNMENT IS VIOLATING ITS OWN DECISION BY NOT FOLLOWING ORDER DATED 12.07.2022 AND NOTIFICATION DATED 04.08.2022:-

(a) Counsel for the petitioners have submitted that the Walk-in Interviews as undertaken by the different Medical colleges after issuance of order dated 12.07.2022 and notification dated 04.08.2022, are in violation of decision of the State Government to



fill the different posts by appointing the Post Graduate Medical Doctors on the basis of their merit obtained in NEET and as per their choice to be given while applying. The respondents cannot violate their own orders and blow hot and cold together.

(b) The selection of candidates having lesser marks and depriving the petitioners from consideration of their courses as per their merit and choice, is discriminatory and violative of Article 14 of the Constitution of India.

3. RETENTION OF DOCUMENTS BY THE RESPONDENTS—

ILLEGAL

(a) The respondents do not have any authority to withhold the documents after completion of Post Graduate qualification of the petitioners.

(b) The respondents nowhere prescribed any condition of retaining the documents after completion of course, as per Instructions Booklet issued by them for the Academic Session 2019, while granting admission to the petitioners in PG Course.

(c) The original documents of the petitioners are valuable documents and the same cannot be retained by the State Authorities, as neither the petitioners have executed a bond authorizing the State Authorities to retain the documents nor the documents can be kept as a surety for fulfilling the terms and conditions of the bond to serve the State Government for a period of two years.

(d) The non fulfillment of any condition of bond executed by the petitioners may result into any other legal action which can be taken by the State Government, but as a bargain or as a



bullwork, the State Authorities cannot retain the original documents of the petitioners.

Mr.M.S. Singhvi, learned Advocate General appearing for the respondents-State has made the following submissions:-

1. The conduct of the petitioners do not entitle them to any equitable relief under Article 226 of the Constitution of India. The petitioners once have executed a bond and undertook to serve the State Government for a minimum period of two years, any subsequent challenge to the execution of bond made by them, does not entitle them to any relief by this Court under Article 226 of the Constitution of India.

2. The bond which has been executed by the petitioners with the State Authorities, is not a statutory contract but an executive action and as such, the writ for enforcement of contract is not maintainable before this court.

3. No mandamus can be issued by this Court as the petitioners do not have any legal right and for issuance of writ of mandamus existence of a legal right is *sine qua non*.

4. The issue relating to execution of bond and retention of documents by the Authorities is no more *res-integra* and the relief sought by the petitioners since has already been declined by the Apex Court in the case of **Association of Medical Superspeciality Aspirants and Residents and Others Vs. Union of India and Others** reported in **[(2019)8 SCC 607]**, this Court cannot entertain any claim of the petitioner.

5. The power of State Government to retain the documents in the event of non-performance of contract, is an ancillary power and the same has rightly been exercised by the State.



6. The retention of documents by the State is an implied condition of contract and as such, the petitioners are bound by the implied conditions of contract and they may not be allowed to raise any grievance in this respect.

7. The State has a legitimate expectation from the petitioners to serve the State Government, as the State Government has incurred hefty expenses in imparting education to the petitioners in the Government Medical Colleges at a very low fees and as such, the petitioners are bound to perform their part either by serving the State Government or by paying the amount which has been mentioned in the bond.

8. The State of Rajasthan since has provided infrastructure and good quality of medical education to the petitioners and negligible fees has been paid by them and considering the fees which is paid by the medical students for pursuing their Post Graduate Courses in the different private Universities, the State is well within its rights to insist for rendering services or to pay the requisite amount mentioned in the bond.

9. The State cannot be a mute spectator for not taking any action against the petitioners, if they have flouted the terms and conditions of the bond executed by them.

10. The State Government considering the requirement of providing health services to its own people, if has decided to utilize the services of Post Graduates Medical Students and persons with Super Speciality Course, by asking them to work on different posts, no illegality can be attached with such decision and it is the policy of the State Government to take services of the qualified persons as per its requirement.



11. The petitioners cannot be permitted to ask or seek a mandamus to give them appointment as per their educational qualification only and the insistence of the petitioners to offer them appointment as per their qualification, cannot be accepted by the State Government and the State being a service provider, has to keep in mind the different parameters for utilizing the services of the Post Graduate Medical Students.

12. The State considering its own resources has taken a policy decision to utilise the services of different eligible candidates including the petitioners and no arbitrariness can be found in such a decision.

Learned counsel for the petitioners Mr.Vigyan Shah and Ms.Purvit Mathur has placed reliance on the following judgments :-

1. **Dr. R.D. Saxena Vs. Balram Prasad Sharma** reported in **[(2000)7 SCC 264]**.
2. **Dr.Arjun Saili Vs. Union of India** reported in **[(2021) SCC Online Del 4212]**
3. **S. Giridharan Vs. State of Tamil Nadu** reported in **[(2022) SCC Online Mad 2394]**
4. **Monika Vs. PT B.D. Sharma, University of Health Sciences** reported in **[(2022) SCC Online P&H 1890]**
5. **Dipesh Kumar Padhihari Vs. Hi-Tech Medical College & Hospital & Ors.** passed by the Orissa High Court in **W.P. (C) No.20027/2020]**
6. **S. Saravana Balaji Vs. State of Tamil Nadu (Madurai Bench of Hon'ble Madras High Court** in **W.P. (MD) No.18930/2022.**



7. **Association Of Medical Superspeciality Aspirants and Residents & Ors. Vs. Union of India** reported in [(2019) 8 SCC 607].
8. **State of Tamil Nadu, through its Secretary, Department of Health and Family Welfare and Another Vs. P.S. Sairam & Ors.** in [2020 SCC Online Mad 2742].
9. **Divisional Controller, KSRTC Vs. Mahadeva Shetty & Anr.** reported in [(2003)7 SCC 197].
10. **M.P. Housing and Infrastructure Board Vs. B.S.S. Parihar & Ors.** reported in [(2015)14 SCC 130].
11. **State of Jharkhand & Ors. Vs. Brahmutra Metalics Ltd., Ranchi & Anr.** reported in [2020 SCC Online 968].
12. **Zahoor Ahmad rather & Ors. Vs. Sheikh Imtiyaz Ahmad & Ors.** reported in [(2019) 2 SCC 404].
13. **Krishna Rai (Dead) Through Lrs. & Ors. Vs. Banaras Hindu University through its Registrar & Ors.** reported in [2022 SCC Online 750].
14. **Dr.Vinod Shankarlal Sharma Vs. State of Maharashtra** reported in [(2012) 114 (6) Bom LR 4020].
15. **Dr. N. Karthikeyan & Ors. Vs. State of Tamil Nadu & Ors.** passed by Madras High Court in **W.P. No.28526/2021** decided on **19.01.2022**.
16. **Dr. N. Karthikeyan & Ors. Vs. State of Tamil Nadu & Ors.** passed by Division Bench of Madras High Court in **W.A. No.1182/2022** decided on **27.04.2022**.
17. **S. Kumaresh Vs. The State of Tamil Nadu & Ors.** passed by Madras High Court in **W.P. (MD) No.17338/2022** decided on **04.08.2022**.



18. **K. Swathika & Anr. Vs. The State of Tamil Nadu & Ors.**
passed by Madras High Court in **W.P. (MD)**
No.16576/2022 decided on **28.07.2022.**
19. **Dr. S. Sam Nelson & Ors. Vs. The State of Tamil Nadu & Ors.** passed by Madras High Court in **W.P. (MD)**
No.9821/2022 decided on **19.05.2022.**
20. **G. Bhargava Phani Krishna & Ors. Vs. The State of Tamil Nadu & Ors.** passed by Madras High Court in **W.P. (MD)** **No.14112/2022** decided on **05.07.2022.**
21. **Monil Prakash Chand Thakkar Vs. State of Gujarat** reported in **[(2014) 3 GLH 481].**
22. **Nidhi Kishanbhai Vasava Vs. Dean-Gujarat Medical Education and Research Society** reported in **[2014 SCC Online Guj 8724].**
23. **Shireen M.T. Vs. State of Kerala** reported in **[2017 SCC OnLine Ker 2660].**

Mr.M.S. Singhvi, learned Advocate General in support of his submissions placed reliance on the following judgments :-

1. **Director of Settlements A.P. and Others Vs. M.R. Apparao and Another** reported in **[(2002)4 SCC 638].**
2. **State of M.P. and Others Vs. Gopal D. Tirthani And Others** reported in **[(2003)7 SCC 83].**
3. **Suresh Chand Gautam Vs. State of Uttar Pradesh and Others** reported in **[(2016)11 SCC 113].**



4. **Association of Medical Superspeciality Aspirants and Residents and Others Vs. Union of India and Others** reported in [(2019)8 SCC 607].
5. **Union of India and Another Vs. Paras Laminates (P) Ltd.** reported in [(1990)4 SCC 453].
6. **Sakiri Vasu Vs. State of Uttar Pradesh and Others** reported in [(2008)2 SCC 409].
7. **The Union of India Vs. M/s. D.N. Revri and Co. and Others** reported in [(1976)4 SCC 147].
8. **DLF Universal Limited and Another VS. Director, Town and Country Planning Department, Haryana and Others** reported in [(2010)14 SCC 1].
9. **Ram Pravesh Singh and Others Vs. State of Bihar and Others** reported in [(2006)8 SCC 381].
10. **Satya Jain (Dead) Through LRs. and Others Vs. Anis Ahmed Rushdie (Dead) through LRs. and Others** reported in [(2013)8 SCC 131].
11. **Reliance Telecom Limited and Another Vs. Union of India and Another** reported in [(2017)4 SCC 269].
12. **Tamil Nadu Medical Officers Association and Others Vs. Union of India and Others** reported in [(2021)6 SCC 568].
13. **Executive Engineer, Southern Electricity Supply Company of Orissa Limited (SOUTHCO) and Another Vs. Sri Seetaram Rice Mill** reported in [(2012)2 SCC 108].





14. **R. S. Joshi, Sales Tax Officer, Gujarat and Others Vs. Ajit Mills Limited and Another** reported in [(1977)4 SCC 98].

I have heard learned counsel for the parties and perused the material available on record.

This Court is required to consider the first issue raised by the petitioners relating to not offering them the post/job according to their qualifications.

This Court finds that the State Government has issued an order dated 12.07.2022, whereby it consolidated and amended the previous orders relating to execution of bond of five years by the Post Graduate Medical students and candidates who pass Super Speciality course.

The order dated 12.07.2022 is quoted as hereunder :-

राजस्थान सरकार
निदेशालय चिकित्सा शिक्षा

क्रमांक प.
7(86)सीएम/एचएम/बजट/डीएमई/एकेड/2015/8000
जयपुर, दिनांक : 12.07.2022
आदेश

राज्य के राजकीय चिकित्सा महाविद्यालयों में स्नातकोत्तर एवं सुपर-स्पेशियलिटी कोर्स करने वाले अभ्यर्थियों से वर्तमान में कोर्स पूर्ण होने के पश्चात 5 वर्ष राजकीय सेवा करने हेतु 25 लाख रुपये राशि का सेवा बन्धपत्र भरवाया जाता है। उपरोक्त सेवा बन्धपत्र की अवधि, राशि एवं लागू करने की प्रक्रिया के बारे में पूर्व में समय-समय पर जारी समस्त निर्देशों को समेकित एवं संशोधित करते हुये निम्नानुसार आदेश जारी किये जाते हैं :-

1. राज्य के राजकीय चिकित्सा महाविद्यालयों से स्नातकोत्तर एवं सुपर-स्पेशियलिटी कोर्स पूर्ण करने के उपरांत सभी छात्र/छात्राओं से राज्य में राजकीय सेवा दी जानी अपेक्षित है। वर्तमान में इस हेतु 05 वर्ष की अवधि को घटाया जाकर इसे 02 वर्ष किया जाता है। बन्धपत्र की राशि पूर्वानुसार 25 लाख रुपये ही रहेंगी। तदनुसार शैक्षणिक सत्र 2022-23 में राजकीय चिकित्सा महाविद्यालय



लयों में स्नातकोत्तर एवं सुपर-स्पेशियलिटी कोर्स में प्रवेश लेने वाले छात्र/छात्राओं से 02 वर्ष की राजकीय सेवा प्रदान करने हेतु 25 लाख रूपयें का सेवा बन्धपत्र प्राप्त किया जावे।

2. राजकीय चिकित्सा महाविद्यालयों में स्नातकोत्तर एवं सुपर-स्पेशियलिटी कोर्स में वर्तमान में अध्ययनरत छात्र/छात्राओं हेतु भी उपरोक्त बन्धपत्र अवधि को 02 वर्ष किया जाता है।

3. स्नातकोत्तर एवं सुपर-स्पेशियलिटी कोर्स पूर्ण होने पर छात्र/छात्राओं को 02 वर्ष के लिये राज्य सरकार के अधीन निम्नानुसार विभिन्न पदों पर राजकीय सेवा देने हेतु बन्धपत्र की शर्तों के अनुसार बाध्य किया जा सकता है :-

1. चिकित्सा महाविद्यालयों में सीनियर रेजिडेन्ट
2. चिकित्सा महाविद्यालयों में सहायक आचार्य (सीनियर रेजिडेन्टशिप पूर्ण करने के पश्चात्)
3. चिकित्सा महाविद्यालयों में जूनियर रेजिडेन्ट/सीनियर डेमोस्ट्रेटर

4. चिकित्सा एवं स्वास्थ्य विभाग अधीन चिकित्सा अधिकारी प्रतिवर्ष राजकीय मेडिकल कॉलेजों से पासआउट स्नातकोत्तर एवं सुपर-स्पेशियलिटी कार्स छात्र/छात्राओं की सूचना निदेशालय चिकित्सा शिक्षा द्वारा कोर्स समाप्त से पूर्ण यथा समय सामान्यतः 02 माह पूर्व, प्राप्त की जायेगी।

4. निदेशालय चिकित्सा शिक्षा द्वारा इन पासआउट होने वाले छात्र/छात्राओं से बन्धपत्र की शर्तों के अनुसार नियुक्ति दिये जाने के लिये रिक्त पदों की सूचना संबंधित चिकित्सा महाविद्यालय एवं निदेशालय चिकित्सा एवं स्वास्थ्य सेवायें से कोर्स समाप्त होने के 02 माह पूर्व प्राप्त की जायेगी।

5. राज्य सरकार के अधीन चिकित्सा महाविद्यालयों एवं चिकित्सालयों में उपरोक्तानुसार रिक्त पदों पर नियुक्ति हेतु प्राथमिकता का निर्धारण भी निदेशालय चिकित्सा शिक्षा द्वारा समक्ष स्तर से अनुमति प्राप्त कर किया जावेगा। अर्थात् निदेशालय चिकित्सा शिक्षा यह विनिश्चित करेगा कि उपलब्ध अभ्यर्थियों में से इन पदों में से कौन-कौन से को सर्वोच्च प्राथमिकता से भरा जाना है। यह तात्कालिक आवश्यकताओं यथा-चिकित्सा महाविद्यालयों में राष्ट्रीय मेडिकल आयोग के मापदण्डानुसार पदों पर नियुक्ति, रिक्त प्राथमिक स्वास्थ्य केन्द्र, सामुदायिक स्वास्थ्य केन्द्र पर पदस्थापन करने की आवश्यकता आदि के आधार पर किया जावेगा।

6. उपरोक्तानुसार रिक्त पदों पर पदस्थापन हेतु स्नातकोत्तर एवं सुपर-स्पेशियलिटी कार्स उत्तीर्ण हो रहे छात्र/छात्राओं से विकल्प प्राप्त किये जायेंगे। छात्र/छात्राओं को नीट परीक्षा में उनकी रैंक के आधार पर मैरिट का निर्धारण करते हुये मैरिट के आधार पर विकल्प अनुसार नियुक्ति प्रदान की जावेगी।

7. इस सम्पूर्ण प्रक्रिया को सम्पादित करने के लिये चिकित्सा शिक्षा विभाग द्वारा काउन्सिलिंग बोर्ड का गठन किया जावेगा। जो इस प्रक्रिया को सम्पादित कर अभ्यर्थियों के पदस्थापन हेतु अभिशंषा निदेशालय चिकित्सा शिक्षा को प्रस्तुत करेगा। उपरोक्त अभिशंषा के अनुसार



नियुक्ति आदेश संबंधित नियुक्ति अधिकारी यथा—प्रधानाचार्य एवं नियंत्रक, मेडिकल कॉलेज, निदेशक, जनस्वास्थ्य अथवा अन्य सक्षम अधिकारी द्वारा जारी किये जावेगे।

8. विभिन्न चिकित्सा महाविद्यालयों अथवा चिकित्सा एवं स्वास्थ्य में रिक्त पदों की सूची, संख्या का निर्धारण करते समय राज्य सरकार द्वारा निर्धारित आरक्षण का भी ध्यान रखते हुये विभिन्न आरक्षित वर्गों के लिये राज्य सरकार के निर्देशों के अनुसार सीट आरक्षित की जावेंगी एवं इन आरक्षित सीटों पर संबंधित आरक्षित वर्ग के अभ्यर्थियों को नियुक्ति प्रदान की जावेंगी।

9. स्नातकोत्तर एवं सुपर-स्पेशियलिटी कार्स पूर्ण करने के उपरांत सीनियर रेजिडेंट के पद पर नियुक्त होने वाले अभ्यर्थी 01 साल की अवधि पूर्ण होने पर चिकित्सा महाविद्यालय में सहायक आचार्य के पद पर नियुक्ति हेतु योग्य हो जाते हैं। उन्हें आगामी वर्ष की काउन्सलिंग में भाग लेकर सहायक आचार्य के पद पर यूटीबी पर कार्य करने का अवसर प्रदान किया जावेंगा।

10. कोई छात्र/छात्रा उपरोक्तानुसार बन्धपत्र में राजकीय सेवा देने के लिये इच्छुक नहीं है तो वह निर्धारित बन्धपत्र राशि जमा करवाकर वह बन्धपत्र से मुक्त हो सकता है।

11. यदि स्नातकोत्तर कोर्स करने वाले किसी छात्र/छात्रा का आगामी वर्ष हेतु सुपर-स्पेशियलिटी कोर्स में चयन हो जाता है तो ऐसी स्थिति में उसे सुपर-स्पेशियलिटी कोर्स पूर्ण करने के उपरांत 02 वर्ष की राजकीय सेवा प्रदान करने का बन्धपत्र लिया जाकर उपरोक्त सुपर-स्पेशियलिटी कार्स करने हेतु अनुमत किया जा सकेंगा।

12. संबंधित अभ्यर्थियों के मूल दस्तावेज उपरोक्त 02 वर्ष की राजकीय सेवा अवधि पूर्ण करने के उपरांत संबंधित चिकित्सा महाविद्यालय द्वारा रिलिज किये जायेंगे। इस हेतु उनके द्वारा प्रदान की गई राजकीय सेवा के बारे में प्रमाण-पत्र संबंधित नियंत्रण अधिकारी द्वारा जारी किये जायेंगे। उपरोक्त प्रमाण-पत्र के आधार पर 02 वर्ष की राजकीय सेवा का सत्यापन किया जाकर संबंधित चिकित्सा महाविद्यालय द्वारा उनके मूल दस्तावेज अभ्यर्थी को लौटा दिये जावेंगे। यदि अभ्यर्थी सुपर-स्पेशियलिटी कोर्स में चयनित होता है एवं उसे इन शिक्षण संस्थानों में मूल दस्तावेज की आवश्यकता होती है तो संबंधित संस्थान सीधे ही मूल दस्तावेज संबंधित चिकित्सा महाविद्यालय को भिजवायेगा। जहां पर अभ्यर्थी द्वारा सुपर-स्पेशियलिटी कार्स हेतु प्रवेश लिया जा रहा है।

13. ये आदेश राजकीय चिकित्सा महाविद्यालयों के साथ-साथ भविष्य में राजमेस के अधीन संचालित चिकित्सा महाविद्यालयों में प्रारम्भ होने वाले स्नातकोत्तर एवं सुपर-स्पेशियलिटी कोर्स पर भी लागू होंगे।

14. काउन्सलिंग प्रक्रिया को सम्पादित करने के लिये शीघ्र ऑनलाईन सिस्टम को निदेशालय चिकित्सा शिक्षा द्वारा विकसित किया जावेंगा।

यह आदेश राज्य के राजकीय चिकित्सा महाविद्यालयों, राजमेस चिकित्सा महाविद्यालयों एवं आरयूएचएस चिकित्सा महाविद्यालयों में शैक्षणिक सत्र 2019-20 एवं





उपरांत प्रवेश करने वाले स्नातकोत्तर एवं सुपर-स्पेशियलिटी कोर्स के छात्र-छात्राओं पर लागू होगा। उक्त आदेश सक्षम स्तर से अनुमोदित है।

(वैभव गालरिया)
प्रमुख शासन सचिव

This Court on perusal of order dated 12.07.2022 finds that the State Government reduced the period of rendering 5 years of compulsory service and the same was changed/replaced to two years for not only the students who are to be granted admission in the Session 2022-23 but the same was also made applicable to the candidates, who had been granted admission in the Government Medical Colleges and the Medical Colleges run by Rajasthan Medical Education Society (Raj-MES) from the Session 2019-2020 onwards. The amount of bond was kept at the same level of Rs.25 Lakh.

This Court finds that the State Government has decided to offer the job to the Medical Post Graduates and the candidates from Super Speciality Course, for a term of two years on the post of Senior Resident in Medical College, Assistant Professor (after completion of Senior Residency) in Medical Colleges, Junior Resident/Senior Demonstrator in the Government Medical College.

This Court further finds that the Director of Medical Education has been directed to collect the relevant information of the candidates from the different Government Medical colleges well in advance i.e. two months, before completion of their course.

The Director Medical Education was also to ensure about the priority of all the posts to be filled and clause (6) of the said order specifically provided that the posting/appointment of the candidates who have passed out, will be made as per merit on the



basis of option offered by them and merit of the candidates will be prepared on the basis of marks obtained by them in NEET and their rank.

This Court further finds that Clause (10) of the said order specifically provided that those candidates who were not interested in rendering their services in the Government, as per condition of bond, such candidates were required to deposit the bond amount and then they were to be set free from terms of the bond.

This Court finds that clause (12) of the said order makes a reference of releasing the original documents after completion of two years of service.

This Court finds that the State Government while asking the petitioners to execute a service bond/undertaking, had contained a condition that the candidates were to serve the Government for a minimum period of five years after completion of the course, if the Government desired (such condition has been reduced from 5 years to 2 years). The State Government by offering the posts of Senior Resident/Assistant Professor/Junior Resident/Senior Demonstrator, has kept in mind the requirement of different Post Graduate Degrees of candidates and the candidates with Super Speciality Course and as such, the policy decision of the State Government is to provide appointments to the petitioners to serve the State Government on these different posts.

This Court finds that the petitioners who have acquired the qualification of MBBS and Post Graduation, have not been asked to work on any post which can be termed as not having any



relevance for the job, which the petitioners are now asked to do by the State Government.

This Court further finds that if the State has to keep in mind assignment of duties to the different skilled and qualified candidates and while providing health service to its citizens at different level i.e. from rural area/urban area, the different contingencies are kept in mind for providing health service to the people and in the said endeavour if the State Government decides that candidates who have acquired Post Graduate qualification or Super Speciality Course, such candidates should be asked to work on different available posts, no arbitrariness or fault can be found with such a decision.

This Court is conscious of the fact that the different Primary Health Centres, Community Health Centres, Satellites Hospital, Referral Hospitals, District Level Hospitals, Hospitals at big town require the skilled Doctors and the candidates who have passed their MBBS Course and have further acquired qualification of Post Graduate, need to work and render their service, as the State has valid expectation from these candidates to pay back to the society and to work for public at large.

The candidates cannot be permitted to take a U-turn and raise grievance that the job offered to them does not commensurate with their qualification.

The submission of learned counsel for the petitioners that if petitioners are asked to work as Junior Resident or Medical Officer, the same would amount to working on the post requiring qualification of only a Graduate i.e. MBBS, is absolutely baseless and the same needs to be rejected by this Court. The qualification



of Post Graduate or Super Speciality Course, will not result into declaring the petitioners ineligible to discharge the duties of rendering health services to the citizens of this Country.

This Court on the contrary finds that if candidates with better skill or higher qualification are available for serving the people of this Country, the aim of rendering good health service to the needy persons will be better fulfilled in more effective way.

This Court, is at loss to understand, as how the petitioners can be permitted to raise a grievance that order dated 12.07.2022 has been made effective retrospectively and the same should not have been applied to the petitioners as they were admitted in the Session 2019-2020.

This Court further finds that the earlier, at the time of executing bond in the session 2019-2020, the petitioners had agreed to serve the State Government for a term of five years and now the State Government has reduced the period of bond of serving the State for a period of two years and the same will in fact, result into lowering down the stringent condition which was imposed earlier and in fact, the order dated 12.07.2022 operates in favour of the petitioners instead of treating the same to be prejudicial to their interest.

This Court further finds that during pendency of the writ petition, the State Government has amended the order dated 12.07.2022 by an order dated 27.09.2022. The order dated 27.09.2022 is quoted as hereunder:-

राजस्थान सरकार
निदेशालय चिकित्सा शिक्षा

क्रमांक पं. 7(86)सीएम/एचएम/बजट/डीएमई/एकेड/2015/4081
दिनांक 27.09.2022



आदेश

राज्य के राजकीय चिकित्सा महाविद्यालयों से स्नातकोत्तर एवं सुपर-स्पेशियलिटी कोर्स करने वाले अभ्यर्थियों से भरवाये जाने वाले राजकीय सेवा करने के बन्ध-पत्र को लागू करने के क्रम में जारी निदेशालय चिकित्सा शिक्षा के आदेश क्रमांक पं. 7(86)सीएम/एचएम/बजट/डीएमई/एकेड /2015/8000 दिनांक 12.07.2022 में आंशिक संशोधन करते हुये निम्नानुसार अतिरिक्त आदेश जारी किये जाते हैं:-

1. स्नातकोत्तर एवं सुपर स्पेशियलिटी कोर्स पूर्ण होने पर छात्र/छात्राओं को दो वर्ष के लिये राज्य सरकार/राजसेवा के अधीन प्राथमिकता से निम्नानुसार निम्न पदों पर राजकीय सेवा देने हेतु बन्ध-पत्र की शर्तों के अनुसार बाध्य किया जा सकेगा:-

- (1) चिकित्सा महाविद्यालयों में सीनियर रेजिडेन्ट
- (2) चिकित्सा महाविद्यालयों में सहायक आचार्य (ब्रॉड स्पेशियलिटी के छात्र/छात्राओं को सीनियर रेजिडेन्टशिप पूर्ण करने के पश्चात)
- (3) चिकित्सा एवं स्वास्थ्य विभाग के अधीन कनिष्ठ विशेषज्ञ
- (4) स्नातकोत्तर योग्यता के अनुरूप अन्य कोई पद

2. सेवा बन्ध-पत्र के अधीन स्नातकोत्तर/सुपर स्पेशियलिटी में अध्ययन पूर्ण करने वाले अभ्यर्थियों की सेवाये अनुबन्ध के आधार पर "स्नातकोत्तर चिकित्सा परामर्शक" (Post Graduate Medical Consultant) के अनुरूप में एक निश्चित मासिक पारिश्रमिक पर अनुबन्ध पर ली जायेगी।

3. स्नातकोत्तर चिकित्सा परामर्शक को प्रथम वर्ष की सेवा के लिये 85 रूपये प्रतिमाह एवं द्वितीय वर्ष की सेवा के लिये 90 हजार रूपये प्रतिमाह पारिश्रमिक (Fixed Remuneration) देय होगा।

4. चिकित्सा शिक्षा विभाग द्वारा गठित काउन्सिलिंग बोर्ड द्वारा काउन्सिलिंग के समय संबंधित विभाग यथा-चिकित्सा शिक्षा विभाग/चिकित्सा एवं स्वास्थ्य विभाग द्वारा दी गयी रिक्त पदों की सूचना के अनुसार रिक्त पदों के विरुद्ध स्नातकोत्तर चिकित्सा परामर्शक के पदों के लिये इन अभ्यर्थियों के विकल्प लिये जाकर सीट आवंटित की जायेगी।

5. स्नातकोत्तर चिकित्सा परामर्शक को उनकी पात्रता के अनुरूप सहायक आचार्य/सीनियर रेजिडेन्ट/कनिष्ठ विशेषज्ञ अथवा स्नातकोत्तर चिकित्सा योग्यता के अनुरूप अन्य कोई पद पर सेवा प्रदान करने हेतु नियुक्त किया जा सकेगा।

6. विशिष्ट परिस्थितियों यथा-वैश्विक आपदा (जैसे-कोविड), प्राकृतिक आपदा, बाढ़, सूखा आदि अथवा सीनियर रेजिडेन्ट/सहायक आचार्य/कनिष्ठ विशेषज्ञ के समस्त रिक्त पदों को उपलब्ध करवाने के बावजूद बन्ध पत्र के अनुरूप उपलब्ध अभ्यर्थी अधिक होने पर राज्य सरकार इन्हें चिकित्सा अधिकारी/जूनियर रेजिडेन्ट के पद के विरुद्ध भी नियुक्ति प्रदान करने पर विचार कर सकती है।



7. काउन्सिलिंग प्रक्रिया के दौरान स्नातकोत्तर चिकित्सा परामर्शक की सीटों (सीनियर रेजिडेन्ट/सहायक आचार्य/कनिष्ठ विशेषज्ञ) का विकल्प मेडिकल कॉलेज वार/जिले वार उपलब्ध कराया जायेगा। यदि अभ्यर्थी को मैरिट कम चॉइस के आधार पर स्नातकोत्तर चिकित्सा परामर्शक (सीनियर रेजिडेन्ट अथवा सहायक आचार्य) का पद/सीट आवंटित होती है तो संबंधित अभ्यर्थी की सेवाये संबंधित मेडिकल कॉलेज के प्रधानाचार्य एवं नियंत्रक के अधीन होगी एवं उनके द्वारा ही नियुक्ति पत्र जारी किया जावेगा तथा अनुबन्ध हस्ताक्षरित करवाया जायेगा। यदि अभ्यर्थी को मैरिट कम चॉइस के आधार पर स्नातकोत्तर चिकित्सा परामर्शक (कनिष्ठ विशेषज्ञ) पद/सीट आवंटित होती है तो संबंधित जिले के मुख्य चिकित्सा एवं स्वास्थ्य अधिकारी द्वारा नियुक्ति पत्र जारी किया जाकर चिकित्सालय आवंटित किया जायेगा एवं अनुबन्ध हस्ताक्षरित करवाया जायेगा।

8. जिन पदों पर अभ्यर्थी नियोजित किये जायेगे, उस पद पर नियमित अभ्यर्थी पदस्थापित किये जाने पर उक्त अभ्यर्थी को अन्य पद पर नियोजित किया जा सकेगा अथवा सेवा से मुक्त किया जा सकेगा।

9. अनुबन्ध अवधि में प्रतिवर्ष अधिकतम 15 दिवस का आकस्मिक अवकाश देय होगा। आकस्मिक अवकाश प्रति पूर्णमास पर अर्जित होंगे।

10. महिला स्नातकोत्तर चिकित्सा परामर्शक को अनुबन्ध अवधि में केवल एक बार के लिये अधिकतम 180 दिवस के लिये प्रसूति अवकाश भी देय होगा।

11. उक्त नियोजन एक बार में एक वर्ष के लिये किया जायेगा, तत्पश्चात मैरिट कम चॉइस के आधार पर पुनः नियोजन अथवा नियोजन अवधि में वृद्धि अथवा नवीन पात्रता (एक वर्ष सीनियर रेजिडेन्ट होने पर) नवीन पद पर नियोजन किया जायेगा।

12. सेवा बन्ध पत्र के अधीन नियोजित अभ्यर्थी स्नातकोत्तर चिकित्सा परामर्शक कहलायेगा। लेकिन अभ्यर्थी द्वारा जिस प्रकृति का कार्य किया गया है उसी के अनुरूप कार्य अनुभव प्रमाण-पत्र दिया जायेगा जैसे अभ्यर्थी द्वारा सीनियर रेजिडेन्ट के पद के अनुरूप सेवाये दी गई तो कार्यानुभव प्रमाण-पत्र सीनियर रेजिडेन्ट का जारी किया जावेगा।

यह आदेश वित्त विभाग की आईडी संख्या 132200165 दिनांक 22.09.2022 के अनुसरण में जारी किये जाते हैं।

(वैभव गालरिया)
प्रमुख शासन सचिव

This Court on perusal of order dated 27.09.2022 finds that now the candidates with Post Graduation Degree and Super Speciality course, will be asked to work as per the terms and



conditions of the bond on the post of Senior Resident/Assistant Professor in College/Junior Specialists in Medical Health Department and on any other post as per Post Graduate qualification.

This Court finds that the apprehension which is raised by the petitioners and they feel aggrieved against the order dated 27.09.2022 of offering them the post not commensurating with their qualification, now stands allayed. The post of Junior Resident or Senior Demonstrator does not find any place, in the new order.

This Court, considering the different clauses, of the order dated 27.09.2022 finds that now the candidates would be called 'Post Graduate Medical Consultant' and they will be offered fixed remuneration and their appointments will be made on the basis of merit cum choice and in certain contingencies like the COVID-19, natural calamities and etc., the candidates can also be asked to work on the post of Medical Officer/Junior Resident.

This Court finds that the State Government after taking into account the relevant factors if has come out with amended order dated 27.09.2022, no arbitrariness can be attached to such decision and it is the domain of the State Government to make use of its work force of the candidates to whom, medical education has been imparted at subsidized fees.

The submission of learned counsel for the petitioners that there has been violation of different service regulations and as such, the State Government by introducing such mechanism may be held guilty of violating the mandatory provisions of the National Medical Commission Act, 2019, the Teachers Eligibility Qualifications in Medical Institutions Regulations, 2022, the



Medical Council of India Post Graduate Medical Education Regulation, the Rajasthan Medical Service (Collegiate Branch) Rules, 1962 and the Rajasthan Medical and Health Service Rules, 1963, the said contention of counsel for the petitioners is noted to be rejected.

This Court finds that the State Government has not been making any regular appointment on substantive post and further the State Government has been engaging the students/candidates who have passed their Post Graduate/Super Speciality Course and the State in no way intends to employ these candidates on a permanent basis and in fact this is an obligation which the petitioners are required to discharge for rendering their services in view of condition which has been agreed by them. The State Government while asking the petitioners to work, is also paying them fixed remuneration and as such, in absence of any regular recruitment being made, it cannot be pleaded before the Court that the respondents-State is guilty of violating any provisions of the statutory service Rules.

The submission of learned counsel for the petitioners that the State Government being model employer cannot be permitted to force the petitioners to work in the garb of execution of any bond and the same results into misuse of talent and skill of the petitioners, this Court finds that the State Government if considering the relevant factors of providing health service to its citizens, has decided to ask the candidates to work as consultant, no arbitrariness or impropriety can be attached to such decision. The allegation of not having proper infrastructure to utilize the skill of the petitioners, is also wholly baseless.



This Court finds that the petitioners if have been offered job by the State Government to render their services in Hospitals to treat the patients who come in different Hospitals at different level, the State Government with its limited resources, if has decided to provide health service to the different people, the plea of lack of infrastructure cannot be accepted by this Court.

This Court finds that acquiring a qualification is indeed essential for the Doctors to render their service in a proper manner. This Court further feels that the skill and talent which has been acquired by a candidate on account of good infrastructure provided by the State Authorities, he/she needs to pay back to the society and further the right to health of people should be given effect by rendering these services by skilled people.

The self interest is to bend before the interest of public at large and duty of a candidate towards society cannot be lost sight of, only on account of getting higher qualification.

This Court further finds that acquisition of qualification makes the person eligible and skilled for higher avenues including getting the job, however, the same would not confer any indefeasible right to claim that such person should be given a right to work on the post or on the assignments, only on account of his acquiring qualification.

This Court finds that the petitioners have done their MBBS Course and they have further acquired Post Graduate Medical course and as such, if they are asked to work in the same field by rendering their services, no plea can be accepted by this Court that the talent of the petitioners is being misused or the same results into a national wastage.



The second important issue raised by the petitioners is with regard to not following the order dated 12.07.2022 and notification dated 04.08.2022 and Walk-in Interviews conducted by giving appointment to the persons, who were having lower marks/rank in NEET PG Examination, right of the petitioners being violated while offering the job on the post decided by the State in its wisdom.

This Court finds that the order dated 12.07.2022 had provided the mechanism and the procedure as how appointments were to be made. This Court finds that the responsibility was given to the Directorate of Medical Education to collect the relevant information from different Medical colleges about the candidates well in advance before two months of completing the course and further the appointments were to be offered by a State Level Counselling Board. The State Level Counselling Board was also constituted by an order of the State Government dated 22.07.2022.

This Court further finds that the criterion for giving appointment to the candidates was on the basis of ranking of the candidates in the NEET PG and merit list was to be prepared on the basis of merit and option, which was to be given by the candidates.

This Court finds that the order dated 12.07.2022 was implemented by issuing an order dated 22.07.2022 and further, the amended order was issued on 27.09.2022 and the criterion for appointing the candidates was not changed and as such, this Court does not find any power of the Competent Authority to



conduct Walk-in Interviews or appointment to be given by different Medical Colleges at their own level.

This Court finds substance in the submission of learned counsel for the petitioners that the different Medical Colleges by holding selections at their own level and offering appointment to the less meritorious candidates, have violated their own orders.

This Court finds that once the State Government had constituted a State Level Selection Board and further, had issued a notification dated 04.08.2022 to the different candidates to upload their details on the website and such candidates were required to fill the online application form, any deviation by the State Authorities is not permitted and as such, exercise undertaken by different Colleges on their own without any competence, is declared illegal and bad in the eye of law.

This Court finds that if the State Government has issued the orders for asking the different candidates to work as per terms of the bond, then on the same analogy, the State Government is also bound to adhere to its own decision by following a proper method of giving appointment/job to the different candidates including the petitioners on the basis of criterion which has been fixed and adopted by them.

This Court finds substance in the submission of learned counsel for the petitioners that the right to equality has been violated in the present case, as some of the petitioners who have higher merit and also subjected themselves before the Authorities for their selection, such petitioners were not found suitable and other candidates with lesser marks in NEET rank, have been selected.



This Court finds that the State Government or their Authorities are not in any way authorized to proceed in the matter beyond the decision which was taken to fill the different posts as per the merit to be prepared on a criterion already fixed. Such kind of exercise by the State or its different Authorities has rightly given a cause of concern to the meritorious candidates and as such, the action of the respondents cannot be approved by this Court.

The third issue raised by the petitioners is with regard to retention of their original documents and not releasing the same until they served the State Government or they pay the requisite amount.

This Court before dealing with the aforesaid issue would like to take into account the facts which are available on record.

This Court finds that at the time of admission of the petitioners, the instructions booklet was issued, wherein several conditions were prescribed about eligibility and other requirements etc. The instructions booklet had also given the schedule for holding the counselling and thereafter, requiring the candidates to join and report at the allotted Colleges. The list of documents were to be deposited at the time of reporting and surety bond, as per proforma annexed was one of the documents which was to be deposited at the time of reporting. The selected candidates were also required to deposit a surety bond of Rs.5 Lakhs at the time of reporting and students were to fill a bond amounting to Rs.25 Lakhs as per bond format, however, the Information Booklet had nowhere provided that the original documents which were to be



deposited will not be returned back to the candidates, if they did not pay the bond amount.

This Court, on further reading of the clauses of the bond/undertaking given by the petitioners as filed in the present writ petitions as Annexures, finds that the bond condition had only inserted a covenant that the student and his/her surety were jointly and severally bound to pay Government of Rajasthan Rs.25 Lakh and the candidate who failed to serve the State Government for a minimum period of five year (now reduced to Rs.2 years) on failing to fulfill such condition, was to pay Rs.25 Lakh as penalty as per bond/undertaking.

This Court finds that the said bond condition nowhere provided that if the candidate or his surety failed to serve the State Government for a period of two years then his original documents will not be released and the same will be retained by the State Government.

This Court considering the instructions which were issued at the relevant time in the Session 2019-2020 and the conditions contained in the undertaking, nowhere finds that retention of original documents was any condition which was imposed by the State Government.

This Court further finds that the original documents of any candidate/student are very valuable and individual property of them and retention of these documents on the pretext of not executing the terms of the bond, cannot be permitted by the Court.

This Court finds that the original documents cannot be treated as security for any allegedly due payment of money, thus



retention of original documents as a security, is not sustainable in law.

This Court further finds that the original documents (certificates) of the students are their individual property and no institution can retain the same without lawful Authority.

This Court finds that the respondents have acted illegally in retaining the original documents of the petitioners and as such, their such action deserves, to be declared bad and illegal.

This Court finds that the Delhi High Court, Madras High Court, Orissa High Court have taken a similar view and has deprecated the practice of retaining the documents by the State Authorities.

The submission of learned Advocate General that conduct of the petitioners do not make them entitled for grant of equitable relief, this Court finds that the respondents have retained the original documents of the petitioners and as such, petitioners' valuable right has been violated and as such, it cannot be held that no relief can be granted to the petitioners.

The contention of learned Advocate General that writ of mandamus cannot be issued as the petitioners do not have any legal right and existence of a legal right is a *sine qua non* for issuing a writ of mandamus, this Court finds that the retention of original documents of any candidate, would result into violating his/her right to own and possess original documents, which are valuable and have importance in order to prove the qualification possessed by a person and as such, writ of mandamus can be issued by the Court for enforcement of such right of a candidate.



The submission of learned Advocate General that the respondents have taken an executive action and the bond executed by petitioners, is not a statutory contract and writ for enforcement of contract is not maintainable, the said contention of learned Advocate General is noted to be rejected. The petitioners in the instant petitions have prayed that the bond/undertaking given by the petitioners, nowhere stipulated that the State Authorities will have power to retain the original documents and if an arbitrary decision is taken by the State, the writ of mandamus would lie. This Court finds no substance in the submission of learned Advocate General that these writ petitions have been filed for the enforcement of contract and as such, not maintainable.

The submission of learned Advocate General that the issue of retention of documents by the Authorities in valid manner, is no more *res integra* in view of judgment passed by the Apex Court in the case of **State of Tamil Nadu Vs. P. S. Sairam & Ors. (supra)**, this Court finds that the different petitions were filed before the Apex Court and orders were challenged of the different High Courts and the Apex Court upheld the right of the State Government to ask for execution of bond to serve the State Government.

The submission of learned Advocate General that specific prayer was made before the Apex Court in SLP asking the Apex Court to give direction to the different Authorities to return the original documents, marksheets/certificates etc and the prayer made since was not granted, should be deemed to be rejected, this Court finds that the Apex Court while upholding the power of the State Government to prescribe a mandatory condition of



execution of bond, nowhere dealt with the issue of power of retention of original documents by the Authorities.

The submission of learned Advocate General that if any issue is raised before the Apex Court and the relief is declined on the same issue, it should be treated as a precedent and as such, the petitioners may not be permitted to raise the issue again before this Court in writ jurisdiction under Article 226 of the Constitution of India, this Court finds that the Apex Court while deciding the controversy, dismissed all the writ petitions and appeals filed before it and all the Doctors who had executed the compulsory bonds were to be bound by the conditions contained therein (in bonds).

This Court, as discussed in earlier paragraphs, has found that no petitioner had executed a bond which contained the condition that in the eventuality of violating any condition of the bond, the original documents (certificates) of the petitioners would be retained and they will be released only after payment of Rs.25 Lakh and as such, this Court is not inclined to accept the submission of learned Advocate General that the relief which is sought by the petitioners, cannot be granted by this Court.

The submission of learned Advocate General that power to retain the documents is an ancillary power and the same is also implied condition of a contract and as such, the petitioners are bound by the same, the said submission of learned Advocate General is liable to be rejected. The retention of documents cannot be treated as an ancillary power and same is also not implied condition of contract.



The State Government if had asked the candidates/petitioners to execute a bond and surety was also undertaken of making payment of stipulated amount, if the persons did not serve the State for two years, the retention of documents from no stretch of imagination, can be an ancillary power or implied condition of contract.

The submission of learned Advocate General that the State has incurred heavy expenditure in providing infrastructure and good quality of medical education and further, very low fee has been charged and as such, the State Government has legitimate expectation from the petitioners to serve and insistence of rendering service or to pay the requisite amount may not be treated suffering from any illegality, this Court has already upheld the right of State to ask the candidates to render their services and as such, the right of the State to ask for execution of bond, has already been upheld by the Apex Court in the case of ***Association of Medical Superspeciality Aspirants and Residents and Others (supra)***.

The submission of learned Advocate General that the High Court of Madras has refused to release the documents of the candidates on the basis of judgment passed by the Apex Court in the case of ***State of Tamil Nadu Vs. P. S. Sairam & Ors. (supra)***, in humble opinion of this Court, the Madras High Court has taken a view that the issue of retention of documents stands concluded in view of judgment passed by the Apex Court in the case of ***Association of Medical Superspeciality Aspirants and Residents and Others (supra)*** and the same is binding under Article 141 of the Constitution of India.



However, this Court further finds that the Madras High Court subsequently in judgment dated 19.01.2022 passed in the case of **Dr. N. Karthikeyan (supra)** has allowed the return of original documents and the judgment of Single Bench has been upheld by judgment passed by Division Bench in the case of **Dr. N. Karthikeyan (supra)**, dated 27.04.2022.

The reliance placed by learned Advocate General on the judgment in the case of **Laxminarain Vs. State and Others** reported in **[1982 WLN (UC) 305]** relating to conduct of the party entitling relief under Article 226 of the Constitution of India, this Court finds that the facts of the said case related to execution of voluntary agreement by the petitioner to repay the loan to the Cooperative Bank and later on, he resiled from avoiding the same liability on legal technicality then this Court dismissed the writ petition as conduct of the petitioner was found to be dishonest, however, the said case has no application in the present facts of the case and in any manner, the conduct of the petitioners cannot be termed as dishonest.

The reliance placed by learned Advocate General on the judgment passed by the Apex Court in the case of **R.S. Joshi, Sales Tax Officer, Gujarat and Ors. (supra)** this Court finds that the same is in respect of the word 'forfeiture' and it should mean as a penalty for breach of a prohibitory direction. The Apex Court in the said case had considered the entries in Legislative list and held that all the ancillary and incidental powers are meant for enforcing fiscal legislation as punitive measure. The said judgment is of no relevance in the present controversy.



The reliance placed by learned Advocate General on the judgment passed by the Apex Court in the case of **Sakiri Vasu (supra)**, this Court finds that the same is in respect of power of Authority to do something which includes incidental or implied powers to ensure the proper doing of a particular thing. The said case of the Apex Court was in respect of power and remedies available against improper investigation as per Sections 154(3), 156(3), 200 and 482 Cr.PC. The said case has no application at all in the present case and as such, is of no assistance to learned Advocate General.

The reliance placed by learned Advocate General on the judgment passed by the Apex Court in the case of **Union of India and Another Vs. Paras Laminates (P) Ltd. (supra)** this Court finds that the same is in respect of interpretation of Section 129-C(5) and (6) of the Customs Act, 1962 and the Apex Court has held that the powers of Tribunal are limited and the power expressly or impliedly granted has to be within the bounds of jurisdiction. The said judgment is of no assistance to learned Advocate General to the learned Advocate General.

The reliance placed by learned Advocate General on the judgment passed by the Apex Court in the case of **The Union of India Vs. M/s. D.N. Revri and Co. and Others (supra)** this Court finds that the same is in respect of interpretation of arbitration clause and a contract between the parties is to be interpreted to give efficacy to the contract rather than to invalidate it. The said judgment is of no relevance and of no assistance to the learned Advocate General.



The reliance placed by learned Advocate General on the judgment passed by the Apex Court in the case of ***DLF Universal Limited and Another (supra)***, this Court finds that the same is in respect of interpretation of Haryana Development and Regulation of Urban Areas Act, 1975 and Haryana Development and Regulation of Urban Areas Rules, 1976, vis-a-vis, the powers under the Specific Relief Act and under the Contract Act. This Court finds that the Apex Court has considered the aspect of determining the ultimate purpose of a contract primarily by the joint intent of the parties at the time of contract so formed and the joint intent of parties is to be discovered from the entirety of the contract and the circumstances surrounding its formation. The said judgment is of no relevance in the present facts of the case.

The reliance placed by learned Advocate General on a judgment passed by the Apex Court in the case of ***Director of Settlements, A.P. and Others (supra)***, is in respect of power of the High Court for issuance of writ of mandamus. The Apex Court in the said case has held restated the principle that power of High Court under Article 226 of the Constitution of India is not only for enforcement of fundamental rights but for 'any other purpose' as well and the said power is discretionary and no limits can be placed upon their discretion but the discretion is to be exercised on the recognized lines and subject to certain self-imposed limitations. The Apex Court in the said case has nowhere restrained the High Court from exercising its jurisdiction if an arbitrary act is done by the State or its Authorities and the same results into violation of valuable right of citizen. The said judgment is of no assistance to the learned Advocate General.



The reliance placed by learned Advocate General on a judgment passed by the Apex Court in the case of **Suresh Chand Gautam (supra)** is in respect of considering the reservation in the matters of promotion and consequential seniority in public employment for SCs and STs. The Apex Court has also considered the scope of issuance of writ of mandamus, the said Authority again does not restrain the High Court from exercising the power of issuing a writ of mandamus against an arbitrary action of the State Authorities and as such, this judgment is of no help to learned Advocate General.

The reliance placed by learned Advocate General on a judgment passed in the case of **State of M.P. and Others (supra)**, this Court finds that the same is in respect of allocation of 20% seats for In-service candidates in PG Medical Course and the Apex Court has only observed that In-service candidates after attaining higher academic achievements, will be available to be posted for the rural areas and the State Government can ensure the service by obtaining a bond from the candidates. The said judgment only deals with an issue of allotment of 20% seats for In-service candidates and has no bearing in the present matter.

The reliance placed by learned Advocate General on the judgment passed by the Apex Court in the case of **Tamil Nadu Medical Officers Association and Others (supra)**, this Court finds that the same is in fact again reiteration by the Apex Court in respect of legislative competence of the States to make reservation for In-service Doctors in the State quota and further service by such candidates in the Rural, Tribal and Hilly areas is by way of executing the bonds. The said judgment of the Apex Court



does not deal with the issue of retaining the original documents by the Authorities of the candidates and as such, no assistance can be taken from it.

The reliance placed by learned Advocate General on the judgment passed by the Apex Court in the case of **Executive Engineer, Southern Electricity Supply Company of Orissa Limited (SOUTHCO) and Another (supra)**, this Court finds that the same is in respect of interpretation of Section 126 explanation (b) of the Electricity Act, 2003 and further the words 'Unauthorised use of electricity', 'unauthorised use' has been interpreted by the Apex Court. The Apex Court has also observed that common sense view relating to the implication and impact of provisions is the relevant consideration for interpreting a term of document so as to achieve temporal proximity of the end result and another similar rule is the rule of practical interpretation. The said judgment is of no relevance and no assistance can be taken by learned counsel for the State.

The reliance placed by learned Advocate General on the judgment passed by the Apex Court in the case of **Satya Jain (Dead) through LRs. And Other (supra)**, this Court finds that the same is in respect of interpretation of provisions of the Specific Relief Act and the principle of business efficacy is invoked to read a term of agreement or contract to achieve the result or the consequence intended by the parties acting as prudent businessmen. The said judgment is of no relevance in the present facts of the case.

The reliance placed by learned Advocate General on the judgment passed by the Apex Court in the case of **Reliance**



Telecom Limited and Another (supra), this Court finds that the same is in respect of interpretation of principle of legitimate expectation and the Apex Court while considering the provisions of Telecom Regulatory Authority of India Act, 1997 has held that principle of legitimate expectation can never override public interest and when there is larger public interest, the question of legitimate expectation does not arise. The said case is of no relevance and of no assistance to learned Advocate General.

The reliance placed by learned Advocate General on the judgment passed by the Apex Court in the case of **Ram Pravesh Singh and Others (supra)**, this Court finds that the same is in respect of considering the principle of legitimate expectation and it has been held not to be a legal right, it is an expectation of benefit, relief or remedy that may ordinarily flow from a promised or established practice. The Apex Court further found that the legitimate expectation is not a right and is not enforceable and it is a concept fashioned by the Courts for judicial review of administrative action. The said judgment is of no assistance to learned Advocate General.

The reliance placed by learned Advocate General on the judgment passed by the Bombay High Court in the case of **Dr. Mohit Jain and Others Vs. Armed Forces Medical College and Others** in [2019 SCC OnLine Bom 1667] deals with a situation where a candidate who was admitted in the year 2014-15 and after completing the course, he had filed the writ petition, the said judgment does not lay down any law that a candidate against whose illegal action has been taken by the respondents by retaining the documents, then he cannot file the writ petition.



The reliance placed by learned Advocate General in the case of **Dr.Vishnu Sharma Vs. State of Rajasthan & Ors.** in **S.B. Civil Writ Petition No.3000/2011** and other writ petitions, is in respect of depositing the amount as per surety bond. This Court in the aforesaid case found that if petitioner had furnished the bond, his admission in the PG Course, then he should have raised the grievance immediately after submitting the bond and further if the Course was left in between by the candidate, the condition of furnishing the surety bond, was found to be valid by the Court. The said case is of no assistance to learned Advocate General.

The upshot of above discussion is as follows:-

1. The impugned order dated 12.07.2022 and notification dated 04.08.2022 do not suffer from any illegality.
2. The prayer of the petitioners to offer them job commensurating with their qualification, is not accepted.
3. The action of the State Government of violating its own order dated 12.07.2022 and subsequent notification dated 04.08.2022, is not approved by this Court.
4. The respondents-State would proceed to appoint the petitioners and other eligible candidates, as per the terms and conditions of preparing the merit as per order dated 12.07.2022 on the basis of rank/merit-option of the candidates in NEET PG Examination.
5. The State Authorities will carry out the exercise of making appointment as per the Counselling Board constituted by them, by order dated 22.07.2022, as per the criteria



laid down in order dated 12.07.2022 and reiterated in the order dated 27.09.2022.

6. The action of the respondents-State of retention of original documents of the petitioners is declared bad and the same is quashed. The respondents are directed to return the original documents of the petitioners within a period of three weeks from the date of receipt of this order.
7. Any appointment made in violation of the criterion laid down in the order dated 22.07.2022 is declared bad and the State Government is required to undertake denovo exercise of appointment, as per order dated 12.07.2022, notification dated 04.08.2022 and subsequent order dated 27.09.2022.
8. The respondents-State would be free to proceed in accordance with law for violation of any condition of bond or undertaking for effecting recovery of money against the petitioners.

The present writ petitions are accordingly disposed of in the light of above discussions. No order as to costs.

A copy of this order be separately placed in each connected petition.

(ASHOK KUMAR GAUR), J

Solanki DS/Himanshu Soni/