



\$~59

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 12083/2022**

DR. SUBHASH VIJAYRAN

..... Petitioner

Through: Dr. Subhash Vijayran, Petitioner (in-Person).

versus

UNION OF INDIA & ORS.

..... Respondents

Through: Mr. Anil Soni, CGSC with Mr. Devesh Dubey, Advocate for R-1.
Mr. V.S.R. Krishna, Advocate for R-2.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER
23.08.2022

%

1. The Petitioner took admission in M.D. Physiology course with Respondent No. 3-AIIMS Bathinda in the January, 2022 session. Subsequently, pursuant to the decision of the 1st Governing Body Meet of AIIMS Bathinda on 30th March, 2022, the approval for the Post Graduate [“**PG**”] courses was refused and it was decided that the candidates already admitted may work as non-academic Junior Residents [*hereinafter*, “**JR**”].¹ Thus, the Petitioner contends that on basis of the aforesaid decision, his status was that of a non-academic JR. In such circumstances, the Petitioner

¹ It is stated that MBBS/MD doctors working in a college or hospital as employees without being enrolled as PG course students are called non-academic JRs, whereas those doing PG courses, i.e., MD/MS/MDS etc. are called academic JRs.



submitted his resignation on 1st July, 2022 which was considered and accepted by AIIMS Bathinda w.e.f. 16th June, 2022. AIIMS Bathinda suffered no losses as there was no valid/ approved M.D. Physiology course in existence, consequently Petitioner cannot be visited with any demand for compensation which is likely to be raised in terms of the Memorandum dated 28th February, 2022 signed by Petitioner with AIIMS Bathinda, which contains the following clause:

“MEMORANDUM

“SUBJECT: Selection of Junior Resident (Academic) 3 Years Course at the All India Institute of Medical Sciences, for January- 2022 Session.

With reference to his/ her application for admission to Post Graduate Courses at the AIIMS, Bathinda (for January-2022 session) Subhash Vijayran informed that he/ she has been selected for admission to MD/MS/MDS course in Physiology at AIIMS, Bathinda, as per the discipline opted by him/ her during counseling.

He/ She will be on contract service for a period of 3 years and will be designated as Junior Resident. He/ She will be paid pre-revised Pay-Band-3 [15,600-39,100 + 5400 (Grade pay)] with entry pay of Rs. 56,100 /- plus NPA and usual allowances as admissible under the rules in the first year of residency. In the event of his/her leaving the course within six months of joining, he/she shall be liable to pay a sum of Rs.3,00,000/- (Rupees three lakh only) and those who leave after 6 months of joining shall be liable to pay a sum of Rs.5,00,000/- (Rupees five lakh only) by way of compensation/losses incurred by the AIIMS, Bathinda due to such midstream departure. The salary for the month in which the date of resignation falls will stand forfeited.”

[Emphasis Supplied]

2. Issue notice. Mr. Anil Soni, CGSC for Respondent No. 1-Union of India and Mr. V.S.R. Krishna, counsel for Respondent No. 2-AIIMS New Delhi, accept notice. Counter affidavit be filed within a period of four weeks from today. Rejoinder thereto, if any, be filed within a period of two weeks from today.
3. Issue notice to the unrepresented Respondent No. 3-AIIMS Bathinda,



by all permissible modes, upon filing of process fee, returnable on 14th December, 2022.

SANJEEV NARULA, J

AUGUST 23, 2022

as