

Dr. Sakshi Verma Vs. State of H.P. & Ors. a/w connected matters

**CWP No.8994 of 2024 a/w CWP
Nos.8992, 8996, 8998, 9014,
9016, 9018 and 9136 of 2024**

07.11.2024 Present: Mr. Bhuvnesh Sharma, Senior Advocate with Mr. Parav Sharma, Mr. P.K. Chauhan and Ms. Vishali Lakhanpal, Advocates, for the petitioner(s), in all the matters.

Mr. Dalip K. Sharma, Additional Advocate General, for the respondents-State.

**CMP No.15119 of 2024 in CWP No.8994 of 2024,
CMP No.15117 of 2024 in CWP No.8992 of 2024,
CMP No.15122 of 2024 in CWP No.8996 of 2024,
CMP No.15125 of 2024 in CWP No.8998 of 2024,
CMP No.15158 of 2024 in CWP No.9014 of 2024,
CMP No.15160 of 2024 in CWP No.9016 of 2024,
CMP No.15167 of 2024 in CWP No.9018 of 2024 &
CMP No.15338 of 2024 in CWP No.9136 of 2024**

Primary prayer of the petitioners is to direct the respondents to release their original degrees of MBBS, which have been retained by respondent No.2-the Director Health Services, Himachal Pradesh and to grant them No Objection Certificate for the purpose of going for higher studies.

2. The respondents have invoked the bonds executed by the petitioners for Rs.40 Lakhs each to serve the State of Himachal Pradesh for a period of two years and also the PG/Super-Specialty Policy dated 27.02.2019 for opposing the prayer of the petitioners. According to the respondents, petitioners are bound to serve the State for a minimum period of two years including mandatory first year of field posting on completion of their Post-Graduation courses as direct candidates.

3. According to the petitioners, the bond agreement executed by them with the respondents mandated only completing two years of service in the respondent-State, which they have fulfilled. That the PG/Super-Specialty Policy dated 27.02.2019 is not even *per se* applicable to them, though they have also completed two years field posting as Senior Resident in the new medical colleges opened in the State. The petitioners have placed reliance upon notification dated 24.12.2021, i.e. the Resident Doctor Policy, in support of their submissions.

4. Learned Senior Counsel for the petitioners pointed out that similar issue came up for consideration in ***Devesha Rathour Versus State of Himachal Pradesh & another***⁴. The aforesaid writ petition was allowed with following operative directions:-

“35. Accordingly, in view of the above discussion, this Writ petition is allowed. The act of the respondents of not issuing the No Objection Certificate to the petitioner to join the Super Specialty Course is held to be bad. Annexure P-14, dated 10.06.2024 is hereby quashed and set aside and the respondents are directed to issue No Objection Certificate to the petitioner and also release her original degree of MBBS, if not already released, to enable her to join the Super Specialty Course/DM/Mch in Plastic & Reconstructive Surgery in the Institute concerned.”

Learned Senior Counsel further submits that the aforesaid directions stood already implemented. The petitioner therein has been issued No Objection Certificate

⁴ CWP No.5423 of 2024, decided on 07.08.2024

by the respondents and her original degree of MBBS has also been released.

Learned Additional Advocate General submits that the aforesaid decision has been assailed by the State in LPA No.310 of 2024, wherein, following order has been passed on 16.10.2024:-

- “1. We are informed that service could not be effected on the respondent as steps in that behalf were not triggered at the appropriate time.*
- 2. Accordingly, on steps being taken within one (1) week, fresh notice shall issue to the respondent via all modes including email, returnable on 16.12.2024.*
- 3. Since the instant appeal is pending, in case a contempt petition (COPC) is instituted, the learned Single Judge will stand over such petition beyond the date fixed in the appeal.*
- 4. List on 16.12.2024”*

5. In view of the above, at this stage, it is ordered that the petitioners would be at liberty to join the medical colleges/hospitals, where they have been offered fresh appointments/admissions. This, however, shall abide by the result of the writ petitions.

The applications stand disposed of.

CWP Nos.8994, 8992, 8996, 8998, 9014, 9016, 9018 and 9136 of 2024

List for consideration on **26.12.2024.**

November 07, 2024
Mukesh

Jyotsna Rewal Dua
Judge