

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No.18817 of 2025

Date of Decision:28.11.2025

Dr. Bahrat BhushanPetitioner

Versus

State of Himachal Pradesh & others ... Respondents

Coram:

Hon'ble Mr. Justice Sandeep Sharma, Judge.

Whether approved for reporting? ¹

For the Petitioner: Mr. Suneel Awasthi, Advocate.

For the Respondents: Mr. Rajan Kahol and Mr. Vishal Panwar, Additional Advocate Generals with Mr. Ravi Chauhan and Mr. Anish Banshtu, Deputy Advocate Generals, for respondents No.1 and 2.

Mr. V.B.Verma, Advocate, for respondent No.3.

Sandeep Sharma, Judge(oral):

Petitioner herein, who at present is working as MO (Specialist) in the Office of Director Health Services, Himachal Pradesh, has approached this Court in the instant proceedings, laying therein challenge to order dated 26.11.2025 (Annexure P-4), whereby prayer made on his behalf for grant of NOC to appear in the Fellowship in Spine Surgery Examination at AIIMS, New Delhi and PGI, Chandigarh, came to be rejected.

2. Precisely, the grouse of the petitioner as has been highlighted in the petition and further canvassed by Mr. Suneel Awasthi, learned counsel for the petitioner, is that fellowship is

¹ Whether the reporters of the local papers may be allowed to see the judgment?

akin to super specialization and as such, petitioner herein, who intends to do fellowship in Spine Surgery may also be given NOC, as is being given to doctors pursuing the super-specialty courses.

3. This Court with a view to ascertain the correctness of the submission made by learned counsel for the petitioner with regard to equivalence of super specialty with fellowship, specifically called upon learned Additional Advocate General to have instructions. In terms of aforesaid directions, Mr. Rajan Kahol, learned Additional Advocate General has placed on record communication dated 28th November, 2025, issued under the signatures of Special Secretary (Health) to the Government of Himachal Pradesh, which reads as under:-

“ I am directed to refer to the subject cited above and to say that the petitioner has joined the department on 09/07/2016 on regular basis. Further, he has done Post Graduation Course from the year 2018 to 2021 and after due consideration, the NOC to appear in the Fellowship in Spine Surgery Examination at AIIMS New Delhi and PGI Chandigarh was rejected on dated 26/11/2025 as there is no policy for grant of NOC to pursue fellowship programmes. Moreover, the Department is facing acute shortage of Medical Officers (Specialists)”

In view of aforesaid, there is no policy for grant of NOC to pursue fellowship programmes.

4. Mr. Rajan Kahol, learned Additional Advocate General, also made available Notification dated 15th October, 2025, thereby notifying PG/Super Specialty Policy for regulating admissions to various Post Graduation and Super Specialty courses in Medical Education applicable in the State of Himachal Pradesh. Perusal of afore notification clearly reveals that there is no policy for grant of NOC to pursue fellowship programmes, whereas there is a specific provision in the aforesaid policy to grant NOC to pursue super specialty and PG courses. Super Specialty course has been specifically defined in the afore policy, which means that courses pursued after post graduation, which shall include DM/MCh/DNB (Super Specialty) or any such equivalent courses recognized by the NMC, but certainly there is nothing to suggest that fellowship is equivalent to super specialty courses.

5. In view of above, this Court finds no merit in the present petition and accordingly, same is dismissed being devoid of any merit. Pending applications, if any, also stand disposed of.

**(Sandeep Sharma),
Judge**

November 28, 2025
(shankar)