

**IN THE HIGH COURT OF MANIPUR
AT IMPHAL**

W.P. (C) No. 417 of 2021

Mukesh Kumar Parmar

Petitioner

Vs.

Union of India; & Ors.

Respondents

**BEFORE
HON'BLE THE CHIEF JUSTICE MR. SANJAY KUMAR**

16.06.2021

Heard Mr. N. Ibotombi, learned senior counsel, appearing for the petitioner, and Mr. S. Kaminikumar Singh, learned CGC, for the respondents.

This matter was adjourned time and again to enable Mr. S. Kaminikumar, learned CGC, to obtain written instructions as to why the policy guidelines dated 29.02.2012 make a distinction in so far as Diplomate National Board (DNB) courses are concerned by insisting that the same should be pursued only in Government Hospitals/Government Medical Colleges though other Post Graduate Degree Courses/Diplomas are permitted to be pursued in Private Hospitals and Private Medical Colleges also.

However, Mr. S. Kaminikumar, learned CGC, was unable to get effective instructions shedding light on this aspect. The letter dated 07.06.2021 addressed by Dr. Rajneesh Sharma, Commdt. (Med) & Staff Officer, Government of India, merely referred to the guideline as it stands but did not offer any explanation for the distinction drawn, as aforesaid. The policy guidelines are under challenge in this writ petition and *prima facie*, there appears to be no logical reason as to why DNB courses should only be pursued in Government Hospitals/Government Medical Colleges when other courses are permitted to be pursued in Private Institutions. This Court therefore finds no valid reason as to why the petitioner should be denied

the opportunity to pursue DNB Course in General Surgery at Dr. Hedgewar Rugnalaya, Garkheda, Aurangabad, Maharashtra, for which he was selected after obtaining permission from his superior authorities.

There shall accordingly be an interim direction to the respondents to release the petitioner after granting him study leave to enable him to join the said institute and pursue the course.

Reply, if any, shall be filed on merits by the next date of hearing with an advance copy to the senior counsel.

Post on 20.07.2021.

A copy of this order shall be supplied online or through whatsapp to both the learned counsel for the parties.

CHIEF JUSTICE

Sandeep