

**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Civil Writ Petition No. 1056/2023

Dr. Sukhdev S/o Shri J. S. Ujjwal, Aged About 42 Years, Resident
Of Paota Jodhpur Rajasthan.

-----Petitioner

Versus

1. The State Of Rajasthan, Through The Secretary,
Department Of Medical Education (Gr/-I), Secretariat,
Jaipur, Rajasthan.
2. Director, Department Of Medical Education, Jaipur,
Rajasthan.
3. Dr. S.N. Medical College, Jodhpur Through Its Principal
And Controller.
4. The National Medical Commission, Through Its Chairman.

-----Respondents

For Petitioner(s)	:	Mr. Jatin Sankhala
For Respondent(s)	:	

HON'BLE MR. JUSTICE VINIT KUMAR MATHUR

Order

17/01/2023

1. Mr. Sankhala, learned Counsel appearing on behalf of the petitioner submitted that the new Regulations issued by National Medical Commission on 14.02.2022 have simply changed the nomenclature of Senior Demonstrator to that of Tutor.
2. While asserting that the petitioner possess the same educational qualification as prescribed for Tutor, it was argued that merely because of promulgation of the new notification, the petitioners' engagement cannot be dispensed with. He submitted that the respondents can better change his post/nomenclature from Senior Demonstrator to Tutor.

3. It was also argued that unless the Rajasthan Medical Service(Collegiate Branch) Rules, 1962 are amended, the regulations issued in 2022 cannot be given precedence.
4. Learned counsel argued that termination or disengagement of the petitioner simply because of the fact that new Regulations have come into force from 14.02.2022, is illegal and arbitrary.
5. The matter requires consideration.
6. Issue notice. Issue notice of the stay application also, returnable within six weeks.
7. Meanwhile, effect and operation of order dated 31.12.2022 qua the petitioner shall remain stayed and the petitioner shall be allowed to work with the respondents as they have been doing.

(VINIT KUMAR MATHUR),J