

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

S.B. Civil Writ Petition No. 3561/2026

1. Dr. Bharat Kumar Pareek S/o Shri Bherudan Pareek, Aged About 32 Years, Resident Of- Pareeko Ka Nya Bas, Ladnun, District Deedwana-Kuchaman, Presently Posted As Smo At Sub-District Hospital Kuchaman City, District Deedwana-Kuchaman (Raj.).
2. Dr. Babulal Serawat S/o Shri Rameshwar Lal, Aged About 37 Years, Resident Of- Village Nangal Bharda, Tehsil Chomu, District Jaipur (Raj.).
3. Dr. Akshay Jatav S/o Shri Dara Singh Jatav, Aged About 31 Years, Resident Of- Jyoti Nagar-B, Near Tehsil, Railway Station Bhinder, District Udaipur (Raj.).
4. Dr. Varnika Vaishnav D/o Shri Mahesh Vaishnav, Aged About 35 Years, Resident Of- 1-D-1, Pahla Puliya, Chopasani Housing Board, Jodhpur (Raj.).
5. Dr. Ratana Ram S/o Shri Sura Ram, Aged About 30 Years, Resident Of- Choudharyon Ka Bas, Bishangarh, District Jalore (Raj.).
6. Dr. Subhash Chandra Tard S/o Shri Magha Ram, Aged About 33 Years, Resident Of- Village Sajanwasi, Nokha, District Bikaner.
7. Dr. Laxmiram Ramsnehi S/o Shri Dayaldas Ramsnehi, Aged About 38 Years, Resident Of- 102, Near Sardarpura School, Rai Ka Bagh, Phalodi, Jodhpur (Raj.).
8. Dr. Hanuman Prasad Sharma S/o Shri Ramji Lal Sharma, Aged About 34 Years, Resident Of- Vpo Dubali, Tehsil Bassi, District Jaipur (Raj.).
9. Dr. Ashutosh Chhangani S/o Dr. Amresh Chhangani, Aged About 34 Years, Resident Of- C-159, Kamla Nehru Nagar, Near Lok Sewa Hospital, Jodhpur (Raj.).
10. Dr. Praveen Kumar Balotiya S/o Shri Jagdish Narayan Balotiya, Aged About 36 Years, Resident Of- 2/124, B-Block, Panchsheel, City Square Mall, Near Rajeev Circle, Ajmer (Raj.).
11. Dr. Nemi Chand Garg S/o Shri Uga Ram, Aged About 33 Years, Resident Of- Village Guhra, Post Jhinjhinyali, Tehsil Fatehgarh, District Jaisalmer (Raj.).
12. Dr. Mahipal Dewasi S/o Shri Ram Lal Dewasi, Aged About 38 Years, Resident Of- Village Pachunda Kallan, Via Bagri Nagar, Tehsil Sojat City, District Pali (Raj.).
13. Dr. Praveen Kumar Swarnkar S/o Shri Mohan Lal Swarnkar, Aged About 38 Years, Resident Of- 131, Vishva Vidhyalaya Nagar, Near Nri Circle, Jagatpura, Jaipur

(Raj.).

14. Dr. Himanshu Pipliwal S/o Shri Prem Shankar Pipliwal, Aged About 32 Years, Resident Of- I-36/37, Jp Colony, Sector-3, Near Lankapuri Mod, Shastri Nagar, Jaipur (Raj.).
15. Dr. Subhash S/o Shri Jagdish Chandra, Aged About 30 Years, Resident Of- Vpo Alay, Bishnoi Bas, Nagaur (Raj.).
16. Dr. Rajmal Gurjar S/o Shri Heera Lal Gurjar, Aged About 34 Years, Resident Of- Village Chandnoli, Tehsil Malarna Dungar, District Sawai Madhopur (Raj.).
17. Dr. Vijay Pal Bhamu S/o Shri Jagdish Prasad Bhamu, Aged About 33 Years, Resident Of- Ward No.5, Khandelsar, Ranoli, Sikar (Raj.).
18. Dr. Mukesh Kumar S/o Shri Pemaram, Aged About 38 Years, Resident Of- Village Poonia Ka Bass, Post Deogaon, Via Dumra, Tehsil Navalgarh, District Jhunjhunu (Raj.).
19. Dr. Shakti Pratap Singh S/o Shri Pramod Singh, Aged About 30 Years, Resident Of- 96/97, Vatika Elite, In Front Of Ait College, Janana Hospital Road, Ajmer (Raj.).
20. Dr. Priyanka D/o Shri Jeetmal Panda, Aged About 31 Years, Resident Of- 37, Shahid Bhagat Singh Colony, College Road, Banswara (Raj.).
21. Dr. Ankushree Yadav D/o Shri Kallumal Yadav, Aged About 35 Years, Resident Of- 827, Mahaveer Nagar-Ii, Kota (Raj.).
22. Dr. Suman Kumari D/o Shri Nema Ram, Wife Of Shri Mahipal Burdak, Aged About 31 Years, Resident Of- Vpo Gothara Tagelan, District Sikar (Raj.).
23. Dr. Abdul Naeem Mansoor S/o Shri Abdul Sattar Mansoor, Aged About 39 Years, Resident Of- 236, Behind Swami Vivekanand School, Chhawani, Kota (Raj.).
24. Dr. Afsana Sheikh D/o Shri Ishaq Mohd Sheikh, Aged About 35 Years, Resident Of- Behind Swami Vivekanand School, Chhawani, Kota (Raj.).
25. Dr. Shubham Gupta S/o Shri Arvind Gupta, Aged About 31 Years, Resident Of- 121, Ganga Vihar, K.no.207, Kbh., Kuri Bhagtasani, Jodhpur (Raj.).
26. Dr. Dinesh Bishnoi S/o Shri Sujana Ram Bishnoi, Aged About 29 Years, Resident Of- Vpo Khara, Tehsil Santhore, District Jalore (Raj.).
27. Dr. Shruti Budania D/o Shri Shisram Budania, Aged About 32 Years, Resident Of- 398, Virat Nagar, Udasar Road, Bikaner (Raj.).
28. Dr. Kanaram Yadav S/o Shri Banwari Lal Yadav, Aged

About 31 Years, Resident Of- Haninwalo Ki Dhani, Village Kanpura, Ward No.10, Jaipur (Raj.).

29. Dr. Subhash Kumawat S/o Shri Mali Ram Kumawat, Aged About 38 Years, Resident Of- Village Nangal, Post Bay, District Sikar (Raj.).
30. Dr. Surendar Kumar S/o Shri Mangi Lal, Aged About 42 Years, Resident Of- Ward No.17, Chachano Ka Mohalla, Bhadra, District Hanumangarh (Raj.).
31. Dr. Tulsi Sharma D/o Shri Anil Kumar Sharma, Aged About 31 Years, Resident Of- Vpo Ked, Tehsil Udaipurwati, District Jhunjhunu (Raj.).
32. Dr. Lokesh Kumar S/o Shri Banwari Lal Chhabra, Aged About 48 Years, Resident Of- Ward No.21, Kiryana Bhawan Road, Hanumangarh Town, District Hanumangarh (Raj.).
33. Dr. Ayushi Gupta D/o Shri Rajendra Gupta, Aged About 30 Years, Resident Of- Sojat City, District Pali (Raj.).
34. Dr. Dinesh Mundhara S/o Shri Narayan Prasad Mundhara, Aged About 34 Years, Resident Of- Mahaveer Chowk, Nokha, District Bikaner (Raj.).
35. Dr. Vaibhav Panwar S/o Shri Hanuman Prasad Panwar, Aged About 43 Years, Resident Of- Mangal Bhawan, Behind Gayatri Temple, Old Ginnani, In Front Of National Public School, Bikaner (Raj.).
36. Dr. Suresh Kumar Bijarnia S/o Shri Pema Ram Bijarnia, Aged About 36 Years, Resident Of- 238, Vpo Lalasar, Tehsil Kishangarh Renwal, District Jaipur (Raj.).
37. Dr. Ashwani Verma S/o Shri Sukhpal Verma, Aged About 29 Years, Resident Of- A-40, Surya Nagar, Alwar (Raj.).
38. Dr. Prashant Ranwa S/o Shri Raja Ram Ranwa, Aged About 30 Years, Resident Of- J-16, Modal Town, Uit Road, Sri Ganganagar (Raj.).
39. Dr. Ankita Singh D/o Shri Mahendra Singh, Wife Of Dr. Prashant Ranwa, Aged About 30 Years, Resident Of- J-16, Modal Town, Uit Road, Sri Ganganagar (Raj.).
40. Dr. Shantanu Singh S/o Shri Prithvi Singh Choudhary, Aged About 37 Years, Resident Of- 2-C-15, Sukharia Nagar, Sri Ganganagar (Raj.).
41. Dr. Mukesh Kumar Saini S/o Shri Ranveer Singh, Aged About 37 Years, Resident Of- Ward No.33, Dhani Purwala, Kalipahari, Papurana, District Jhunjhunu (Raj.).
42. Dr. Ghanshyam Yadav S/o Shri Shankar Lal Yadav, Aged About 32 Years, Resident Of- Vpo Dhani Bhopala, Nangal, Tulsidas, Tehsil Jamwaramgarh, District Jaipur (Raj.).

43. Dr. Kamlesh Kumar Mahawar S/o Shri Chauth Mal Mahawar, Aged About 39 Years, Resident Of- Vpo Dudhly, Tehsil Bassi, District Jaipur (Raj.).
44. Dr. Raman S/o Shri Ran Singh Beniwal, Aged About 33 Years, Resident Of- Vpo Jhordpura Bass, Ward No.38, Bhadra, District Hanumangarh (Raj.).
45. Dr. Nidhi D/o Shri Haribux Poonia, Aged About 31 Years, Resident Of- Vpo Binjusr, Tehsil And District Jhunjhunu (Raj.).
46. Dr. Yash Mudgal S/o Shri Mahesh Mudgal, Aged About 38 Years, Resident Of- E-9/568, Chitrakoot Jaipur (Raj.).

-----Petitioners

Versus

1. State Of Rajasthan, Through The Principal Secretary, Medical And Health Department, Government Of Rajasthan, Secretariat, Jaipur.
2. Joint Secretary, To The Govt. Department Of Medical And Health (Group-2Nd), Govt. Secretariat, Jaipur.
3. Principal Secretary, Department Of Medical Education, Govt. Secretariat, Jaipur.
4. The Commissioner, Department Of Medial Education, Medical Education Bhawan, Govind Marg, Jaipur.
5. The Director (Public Health), Department Of Medical And Health Services, Directorate, Health Bhawan, Jaipur.
6. The Chairman, M.d/m.s/d.m/m.ch Candidates Allotments Board-2026, Sms Medical College, Jln Marg, Jaipur.
7. National Medical Commission, Through Its Secretary, Sector 8, Pocket 14, Phase-1, Dwarka, New Delhi-110077.

-----Respondents

For Petitioner(s)	:	Mr. Yashpal Khileree
For Respondent(s)	:	Mr. Tanuj Jain for Mr. Mukesh Dave, AGC.

HON'BLE DR. JUSTICE NUPUR BHATI

Order

12/02/2026

1. Learned counsel for the petitioners submits that the petitioner are holding the post of Medical Officer and after

completing PG course as an in-service candidate, the petitioner filled an application to undergo Senior Resident Course, as she is desirous of having the post of Assistant Professor for which the teaching and research experience includes one year Senior Residence in concerned subject in a permitted Medical College after acquiring the course of MD/MS. He also submits that an online application form for one year Senior Residency Course pursuant to notification dated 31.10.2025 and she has been declared selected for one year Senior Residency Course vide order dated 05.02.2026 and the petitioner is required to give her joining on or before 14.02.2026. However, despite her selection on merit, the respondents have failed to relieve the petitioner, thereby placing her career progression and academic advancement in serious jeopardy.

2. Learned counsel for the respondent submits that posting of the petitioner was made in public interest and administrative exigency. He submits that around 450 Doctors are selected for Senior Residency Course and about 800 Doctors are selected for PostGraduation and relieving all Doctors simultaneously would seriously affect the Health Services. However, except for a bald assertion, no concrete data or material has been placed on record to substantiate the alleged acute shortage of doctors.

3. Contrary to the submissions of counsel for the respondents, learned counsel for the petitioner submits that marks acquired in the NEET-PG examination are taken into consideration for the purpose of getting selected in the Senior Residency Course and for preparing the merit list. He submits with grit that in the current circumstances the petitioner has acquired the appropriate merit to

undergo the Senior Residency Course and in case the respondents do not permit her to join the same, the petitioner will suffer irreparable loss and injury, which can not be compensated at the later stage.

4. While drawing the attention of the Court, the counsel for the petitioner submits that the respondents vide circular dated 05.07.2022 have issued certain directions and in light of direction No.4, the candidate upon selection in the examination/interview or other educational activities, PG, DNB and other higher studies courses etc., will be relieved from the Control Officer and will join the post. He submits that despite the said circular the respondents are not relieving the petitioner to join the said Course. Prima facie, the action of the respondents in not relieving the petitioner appears to be contrary to their own policy decision.

5. At this stage, this Court is also guided by the constitutional perspective governing the issue. As rightly observed by the Hon'ble Supreme Court in Dr. Rohit Kumar v. Secretary, Office of Lt. Governor of Delhi & Ors. (Civil Appeal No. 2739 of 2021), doctors with advanced qualifications are an asset not only to the medical fraternity but also to society at large. After completion of the course, such doctors return to serve the cause of public health with enhanced skill and expertise.

6. Therefore, refusal of study leave or denial of permission to join a higher or career-advancement course solely on the ground of administrative inconvenience or a temporary shortage, without striking a balance between the constitutional rights of the petitioner and the long-term public interest, cannot be sustained

in law. Advancement in medical education ultimately strengthens the public healthcare system itself.

7. In view of the above facts and circumstances, matter requires consideration.

8. Issue notice of the writ petition along with stay application to the respondents, returnable within a period of four weeks.

9. In the meanwhile, considering the imminent last date of joining and the irreparable prejudice that would be caused to the petitioner, the respondents are directed to relieve the petitioner latest by tomorrow i.e. 13.02.2026 and permit her to join the Senior Residency Course pursuant to the allotment letter dated 05.02.2026 and allotment list dated 04.02.2026 (Annex.-9).

10. Connect with SBCWP No.2936/2026, as prayed.

(DR.NUPUR BHATI),J

195-/Devesh/-