

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

S.B. Civil Writ Petition No. 3774/2026

1. Dr. Manisha Ujjawal D/o Shri Om Prakash Ujjawal, Aged About 32 Years, Resident Of 8-A-89, Kudi Bhagtasni Housing Board, Jodhpur. At Present Posted At Dh Pipar City, Jodhpur.
2. Dr. Anuj Swami S/o Shri Krishan Murari Swami, Aged About 33 Years, Resident Of Ilaiyon Ka Mohalla, Near Mahesh Talkies, Jhunjhunu. At Present Posted At Dh Pipar City, Jodhpur.
3. Dr. Koshal Kumar Dave S/o Dr. Surendra Kumar Dave, Aged About 41 Years, Resident Of 306, Sanjivani Residency, Paota C Road, Jodhpur. At Present Posted At Dh Pipar City, Jodhpur.
4. Dr. Ravina Lamba D/o Shri Shishram Jhajharia, Aged About 32 Years, Resident Of Gudha Mod, Near Railway Crossing, Jhunjhunu. At Present Posted At District Hospital, Lohawat Phalodi.
5. Dr. Rajesh Choudhary S/o Shri Chaturaram Choudhary, Aged About 31 Years, Resident Of Ramnagar Colony, Jaisalmer. At Present Posted At Tbc Jaisalmer.
6. Dr. Charul Songara D/o Shri Sohan Sangara, Aged About 37 Years, Resident Of Shankar Nagar, Jodhpur. At Present Posted At Sdh, Samdari, Balotra.
7. Dr. Manish Jingar S/o Shri Narayan Lal Jingar, Aged About 34 Years, Resident Of 8, Subhash Nagar, Rajsamand, Kankroli. At Present Posted At Bcmo Amet, Rajsamand.
8. Dr. Shubham Chouhan S/o Shri Om Prakash Chouhan, Aged About 32 Years, Resident Of Plor No. 240, Sector B, Sukhram Nagar, Soorsagar, Jodhpur. At Present Posted At District Hospital Lohawat.
9. Dr. Tejpal Yadav S/o Shri Har Sahay Yadav, Aged About 36 Years, Resident Of Village Vijaypura, Tehsil Amer, Jaipur. At Present Posted At Shree Dungargarh.

----Petitioners

Versus

1. State Of Rajasthan, Through The Principal Secretary, Department Of Medical And Health Services, Government Of Rajasthan, Jaipur.

2. State Of Rajasthan, Through The Principal Secretary, Department Of Medical Education, Government Of Rajasthan, Jaipur.
3. Joint Secretary, Department Of Medical And Health Services (Group-2), Secretariat, Jaipur.
4. Commissioner, Dept. Of Medical Education, Medical 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 Allotment Board-2025, Sms Medical College, Jln Marg, Jaipur.
7. Principal Medical Officer, District Hospital, Pipar City.
8. Principal Medical Officer, District Hospital, Lohawat, Phalodi.
9. Chief Medical And Health Officer, Jaisalmer.
10. Principal Medical Officer, Sub District Hospital Samdari, Balotra.
11. Chief Medical And Health Officer, Rajsamand.
12. Principal Medical Officer, Sub District Hospital, Shree Dungargarh, Bikaner.

-----Respondents

For Petitioner(s)	:	Mr. Kailash Choudhary
For Respondent(s)	:	Mr. Tanuj Jain for Mr. Mukesh Dave, ASG

HON'BLE DR. JUSTICE NUPUR BHATI

Order

23/02/2026

1. Learned counsel for the petitioners submits that the petitioners are holding the post of Medical Officer and after completing PG course as an in-service candidate, the petitioners filled an application to undergo Senior Resident Course, as they

are 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 they have been declared selected for one year Senior Residency Course vide order dated 05.02.2026 and the petitioners are required to give their joining on or before 14.02.2026. However, despite their selection on merit, the respondents have failed to relieve the petitioners, thereby placing their career progression and academic advancement in serious jeopardy and the last date has been extended up to 24.02.2026.

2. Learned counsel for the respondents submits that posting of the petitioners were 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 petitioners 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 petitioners have acquired the appropriate merit to undergo the Senior Residency Course and in case the

respondents do not permit them to join the same, the petitioners 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 petitioners 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 petitioners to join the said Course. *Prima facie*, the action of the respondents in not relieving the petitioners 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 petitioners 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 petitioners, the respondents are directed to relieve the petitioners latest by tomorrow i.e. 24.02.2026 and permit them to join the Senior Residency Course pursuant to the allotment list dated 04.02.2026 (Annex.-3).
10. Connect with SBCWP No.2936/2026, as prayed.

(DR.NUPUR BHATI),J

89-/Devesh/-