

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

S.B. Civil Writ Petition No. 4455/2026

Dr. Nitesh Gurjar S/o Madan Lal Gurjar, Aged About 30 Years, R/
o Village Post Nichala Ghantala Banswara Rajasthan Presently
Posted At Tb Clinic Pratapgarh

-----Petitioner

Versus

1. State Of Rajasthan, Through Its Principal Secretary
Department Of Medical And Health Services, Govt. Of
Rajasthan, Jaipur.
2. Principal Secretary, Department Of Medical Education,
Govt. Secretariat, Jaipur
3. The Commissioner, Department Of Medical Education,
Medical Education Bhawan, Govind Marg, Jaipur.
4. Joint Secretary To The Govt., Department Of Medical And
Health (Group-2Nd), Govt. Secretariat, Jaipur.
5. The Director (Public Health), Department Of Medical And
Health Services, Directorate, Health Bhawan, Jaipur.
6. Chief Medical And Health Officer, Pratapgarh.
7. Principal, Medical College, Banswara.
8. The Chairman, M.d/m.s/d.m/m.ch Sms Candidates
Allotments Board-2025, Medical College, Jln Marg, Jaipur.

-----Respondents

For Petitioner(s)	:	Ms. Deepika Purohit
For Respondent(s)	:	Mr. Vivek Sharma for Mr. Mukesh Dave

HON'BLE MR. JUSTICE CHANDRA SHEKHAR SHARMA

Order

26/02/2026

1. Counsel for the petitioner submits that in similar controversy,
being ***SBCWP No.4685/2026 : "Dr. Vimla Kumawat v. State
of Rajasthan & Ors."*** this Court vide order dated 24.02.2026 has

granted interim relief while issuing notices. The said order is reproduced hereunder:

"1.Learned counsel for the petitioner submits that the petitioner is 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 28.01.2026 and the petitioner is required to give her joining on or before 24.02.2026 as the last date has been extended further. 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 reply has been filed yesterday and specific averment has been taken in the reply that posting of the petitioner was made in public interest and administrative exigency. He submits that in the reply it has been indicated that around 450 Doctors are selected for Senior Residency Course and about 800 Doctors are selected for Post Graduation 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 cannot 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.

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

7. Issue notice of the writ petition along with stay application to the respondents, returnable within a period of four weeks. 8. 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. 25.02.2026 and permit her to join the Senior Residency Course pursuant to the allotment letter dated 28.01.2026(Annex-6)."

2. Counsel for the respondents raises an objection and submits that the said interim order may not be passed by this Court as in the other writ petitions, earlier, the last date for joining the one year Senior Residency Course, was 14.02.2026, which was subsequently extended to 24.02.2026 and the last date has not been extended, thereafter. He thus, submits, that no extension has been granted thereafter and, therefore, the last date has already expired.

3. Counsel for the petitioner submits that the petitioner cannot be made to suffer for the reason that the respondents have refused to relieve petitioner for joining the said course and if the respondents would have relieved the petitioner in time, then, the

said delay would not have occurred. However, he is not in a position to demonstrate the fact that the last date has further been extended and subsequently, expired.

4. Issue notice of the writ petition along with stay application to the respondents.

5. Learned counsel Mr. Vivek Sharma, associate to Mr. Mukesh Dave, ASG, accepts notice on behalf of the respondents. No need to issue fresh notice.

6. In view of the submissions made by counsel for the parties and taking into consideration the fact that the last date for joining was extended up to 24.02.2026, this Court in the interest of justice, deems it appropriate to grant interim relief to the petitioner with a condition that the respondents are directed to relieve petitioner forthwith and permit petitioner to join Senior Residency Course, pursuant to the allotment list dated 02.02.2026 in case the last date for joining on the said post is extended further by the respondents, or the respondent-Department of Medical Education, permits him otherwise.

(CHANDRA SHEKHAR SHARMA),J