

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

S.B. Civil Writ Petition No. 4396/2026

1. Dr. Rituraj Charan D/o Shri Ompal Singh Charan, Aged About 35 Years, Resident Of 88, Aakharia Said, Sonana, Desuri, Pali, Posted At Chc Kherwara Fru, Udaipur.
2. Dr. Manoj Dayma S/o Shri Sohan Lal, Aged About 37 Years, Resident Of Gh 21 Hiran Mangri Sector 4 Udaipur. Posted At Dh Dungarpur.
3. Dr. Kamal Kumawat S/o Shri Hanuman Lal Kumawat, Aged About 30 Years, Resident Of Village Khandel Tehsil Phulera, District Jaipur. Posted At Sdh Mandalgarh, Bhilwara.
4. Dr. Sarita Bunker D/o Chhoga Lal Bunker, Aged About 31 Years, Village Bawdi, Post Khora Bisal, Jhotwara, Jaipur. Posted At Sdh Masuda, Beawar.
5. Dr. Mukesh Kumar Mahawar S/o Shri Moolchand Mahawar, Aged About 31 Years, Resident Of Durgapura Dhani, Dooni, Tonk, Posted At Sdh Dug, Jhalawar.
6. Dr. Harish Meena S/o Ram Karan Mena, Aged About 38 Years, Resident Of 57, Sukh Vihar Colony, Gurjar Ki Thadi, Jaipur, Posted At Dh Deeg.
7. Dr. Kamal Kumar Rachhoya S/o Bhairu Lal Rachhoya, Aged About 30 Years, Resident Of Village Post Raisar Tehsil Jamauramgarh, Jaipur. Posted At Sdh Bijoliya.
8. Dr. Rajesh Kumar Meena S/o Ramlal Meena, Aged About 31 Years, Resident Of Village Manohargarh, Post Itunda, Jahazpur, Bhilwara. Posted At Dh Bhinder.
9. Dr. Ghanshyam Gupta S/o Shri Satyanarayan Gupta, Aged About 37 Years, Resident Of Kekri, Ajmer. Posted At Chc Sawar, Ajmer.
10. Dr. Varsha Meena D/o Shri Radhey Shyam Meena, Aged About 30 Years, Resident Of 238/40 Adarsh Nagar, Ajmer. Posted At Chc Ras, Beawar.
11. Dr. Iftakharuddin Ansari S/o Shri Shahabudin Ansari, Aged About 38 Years, Resident Of Gandhi Choraha, Jolpa Road, Sangod, Kota. Posted At Dh Rampura.
12. Dr. Hanif Khan S/o Shri Gafoor Khan, Aged About 41 Years, Resident Of Plot No. 26, Ihs Colony, Grain Godam Road, Bajaria, Sawai Madhopur. Posted At Chc Nahargarh.

13. Dr. Rakesh Atal S/o Shri Bhori Lal Atal, Aged About 39 Years, Resident Of Bhagwanpura, Post Raipur, Tehsil Jamwaramgarh, Jaipur. Posted At Sdh Desuri.
14. Dr. Sandeep Kumar Math S/o Shri Harsahay Math, Aged About 39 Years, Resident Of Village Sirohi, Tehsil Neem Ka Thana, Sikar. Posted At Dh Chohtan.
15. Dr. Shankar Lal Raiger S/o Shri Ramkishore Raigar, Aged About 31 Years, Resident Of Vpo Godiyana, Samred Kalan, Jamwaramgarh, Jaipur. Posted At Chc Bandanwara.
16. Dr. Ashok Kumar Yadav S/o Ghasi Lal Yadav, Aged About 37 Years, Resident Of Vpo Divrala, Dhani Balvant Singh Ki Dabad, Sikar. Posted At Chc Bikamkaur, Phalodi.
17. Dr. Mukesh Chand Meena S/o Shri Ramraj Meena, Aged About 31 Years, Resident Of Village Padra Bardar Khandar, Sawai Madhopur. Posted At Tb Clinic Dholpur.
18. Dr. Surendra Pachar S/o Shri Madan Lal Pachar, Aged About 32 Years, Pachar Niwas, Amarpura Urf Pacharan, Rajasar Karnisar, Loonkaransar, Bikaner. Posted At Chc Chunawadh.
19. Dr. Mukesh Dhakar S/o Shri Hansraj Dhakar, Aged About 35 Years, Resident Of Village Sohanpura Tehsil Sarwar, Ajmer. Posted At Satellite Hospital Gangapur.
20. Dr. Peph Singh S/o Shri Suwa Ram Khedar, Aged About 39 Years, Resident Of Village Ratanpura, Tehsil Shri Madhopur, District Sikar. Posted At Dh. Lohawat.
21. Dr. Jeetram Jat S/o Shri Harjiram, Aged About 31 Years, Resident Of Village Tundera, Teh - Malpura, Tonk. Posted At Shd Masuda, Beawar.
22. Dr. Ranu Sharma D/o Shri Ramavtar Sharma, Aged About 30 Years, Resident Of 422/26, Patthar Wali Gali, Ramganj, Ajmer. Posted At Dh Bhinder, Udaipur.
23. Dr. Sonu Saini S/o Shri Murari Lal, Aged About 29 Years, Resident Of Mori Gate Ward No. 1, Laxmangarh, Sikar. Posted At Chc Patoda.
24. Dr. Hitasha Kanwar D/o Shri Karan Singh Shekhawat, Aged About 30 Years, Resident Of 52, Near Jharkhand Mahadev Temple, Queens Road, Vaishali Nagar, Jaipur. Posted At Sdh Masuda, Beawer.
25. Dr. Siddarth Mathur S/o Pran Mathur, Aged About 33

Years, Resident Of Surat Vihar Colony, Lohagal Road, Ajmer. Posted At Sdh Masuda, Beawer.

26. Dr. Vina Joshi W/o Dr. Kritarth Pareek, Aged About 30 Years, Resident Of 3/121 Housing Board Colony, Sawai Madhopur. Posted At Chc Banera, Bhilwara.
27. Dr. Hemant Meena S/o Shri Heera Lal Meena, Aged About 30 Years, Resident Of 2-F-32, Mahaveer Nagar Extension, Kota. Posted At Sdh Sarada, Salumber.
28. Dr. Ravi Prakash S/o Shri Udmi Ram, Aged About 31 Years, Resident Of Vpo Doomroli, Tehsil Neemrana, District Kotputali-Behror. Posted At Chc Mubarikpur.
29. Dr. Shaista Anjum D/o Sharafat Hussain, Aged About 40 Years, Resident Of Jhalawar. Posted At Chc Chomehla.
30. Dr. Hitesh Kumar Bhilwara S/o Shri Tekchand Bhilwara, Aged About 31 Years, Resident Of Nareda, Kotputli - Behror. Posted At Chc Narayanpur.
31. Dr. Rajkumar Chandna S/o Shri Ramkishan, Aged About 35 Years, Resident Of Vpo Talera, Bundi, Posted At Chc Kapren.
32. Dr. Rohit Kumar Verma S/o Shri Ramdev Verma, Aged About 35 Years, Resident Of Rangbari, Kota. Posted At Chc Mandana.
33. Dr. Sheetal Chodhary D/o Shri Lal Chand Katewa, Aged About 31 Years, Resident Of Vpo Rojari, Via Phulera, Ajmer. Posted At Chc Ramsar.
34. Dr. Amit Kumar Saini S/o Shri Harish Kumar Saini, Aged About 30 Years, Resident Of 384, Laxmi Nagar, Brahmpuri Road, Jaipur. Posted At Satellite Hospital Vallabh Nagar, Udaipur.

-----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 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 Allotment Board-2025, Sms Medical College, Jln Marg, Jaipur.
7. Chief Medical And Health Officer, Udaipur, Pali, Ajmer, Beawar, Baran, Phalodi, Dholpur, Sri Ganganagar, Bhilwara, Sikar, Alwar, Jhalawar, Kotputli-Behror, Bundi, Kota.
8. Principal Medical Officer, District Hospital Dungarpur.
9. Principal Medical Officer, Sdh Mandalgarh, Bhilwara.
10. Principal Medical Officer, Sdh Masuda Beawar.
11. Principal Medical Officer, Sdh Dag Jhalawar.
12. Principal Medical Officer, District Hospital Deeg.
13. Principal Medical Officer, Sdh Bijoliya Bhilwara.
14. Principal Medical Officer, Dh Bhinder,udaipur.
15. Principal Medical Officer, Rampura Satellite Hospital Kota.
16. Principal Medical Officer, Sdh Desuri, Pali.
17. Principal Medical Officer, Dh Chohtan, Barmer.
18. Principal Medical Officer, Dh Lohawat, Phalodi.
19. Principal Medical Officer, Sdh Masuda, Beawar.
20. Principal Medical Officer, Sdh Sarada, Salumber.
21. Pmo, Satellite Hospital Vallabhnagar, Udaipur.

----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

299-/Devesh/-