

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

S.B. Civil Writ Petition No. 7111/2023

1. Vasudev Sankhla S/o Shri Dungar Ram Sankhla, Aged About 27 Years, Resident Of Tinwari Bhaiser Road, Sankhlan Krishi Farm Tiwari Teori, Jodhpur 342306
2. Dr. Dharmveer Bairwa S/o Shri Kishan Lal Bairwa, Aged About 33 Years, Resident Of Village And Post Balaheri, Tehsil Mahwa, Dist. Dausa 321608 Rajasthan.
3. Dr. Sunil Kumar Pancholi S/o Shri Suresh Chandra Pancholi, Aged About 29 Years, Resident Of Vivekanand Colony Near Baba Ramdev Temple Deoli, Tonk, Rajasthan. 304804.
4. Dr. Krishna Kumar Surela S/o Shri Motilal Surela, Aged About 29 Years, 1/88 J.n Vyas Colony, Nagaur 341001
5. Dr. H.S. Sahwal S/o Late Shri Bheem Singh Sahwal, Aged About 26 Years, Resident Of G-24-B, Civil Lines, Ajmer Chauraha, Bhilwara
6. Dr. Rajendra Saran S/o Shri Shiv Narayan Saran, Aged About 32 Years, Resident Of Ward No. 15, Harsore Road, Near Govt. Hospital, Gandhi Chowk, Parbatsar, Nagaur, Rajasthan 341512.
7. Dr. Suresh Suthar S/o Shri Nagji Ram, Aged About 28 Years, Resident Of Dhamana, Jalor, Sanchore, Rajasthan 343041.
8. Dr. Cherry Shambhavi D/o Shri Sanjay Kumar Singh, Aged About 29 Years, Resident Of 402, Govt. Medical College Pali, Rajasthan.

-----Petitioners

Versus

1. The State Of Rajasthan, Through The Secretary, Department Of Medical Education (Gr.I), Secretariat, Jaipur, Rajasthan.
2. Rajasthan Medical Education Society, Jaipur, Through Its Director, Govind Marg, Janta Colony, Medical Education Bhawan, Jaipur, Rajasthan.
3. Government Medical College, Pali, Through Its Principal And Controller

4. Rajmate Vijayraj Sindhiya Government Medical College, Bhilwara, Through Its Principal And Controller.
5. The National Medical Commission, Through Its Chairman, New Delhi.

-----Respondents

For Petitioner(s) : Mr. Manoj Bhandari, Sr. Advocate
assisted by Mr. Prateek Surana,
Ms. Sapna Vaishnav

HON'BLE MR. JUSTICE VINIT KUMAR MATHUR

Order

23/05/2023

1. Mr. Bhandari, learned Senior Counsel appearing on behalf of the petitioners 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 petitioners 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 their post/nomenclature from Senior Demonstrator to Tutor.
3. It was also argued that unless the Rajasthan Medical Education Society (Recruitment and Other Conditions) Rules, 2022 are amended, the regulations issued in 2022 cannot be given precedence.
4. Learned Senior Counsel argued that termination or disengagement of the petitioners 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 10.05.2023 & 12.05.2023 (Annex.5 & 6) qua the petitioners shall remain stayed and the petitioners shall be allowed to work with the respondents as they have been doing.
8. Connect with S.B. Civil Writ Petition No.242/2023.

(VINIT KUMAR MATHUR),J

177-Shahenshah/-