

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

S.B. Civil Writ Petition No. 13952/2026

CNR: RJHC010630892026

URN: CW / 25420U / 2026

Dr. Ved Prakash Sharma S/o Om Prakash Sharma, Aged About 38 Years, R/o Ward No 6, Near Saras Dharam Kanta, Lunkaransar, Dist. Bikaner At Present Posted At Shree Dungargarh.

----Petitioner

Versus

1. State Of Rajasthan, Through Its Principal Secretary, Department Of Medical And Health Services, Government Of Rajasthan, Jaipur.
2. The 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 (Publichealth), Department Of Medical And Health Services, Directorate, Health Bhawan ,jaipur.
6. The Chairman, M.d./m.s./d.m./m.ch. Chandidates Allotment Board 2025, Sms Dedical College, JIn Marg Jaipur.
7. Pmo, Sub District Hospital Shri Dungargarh.
8. Principal And Controller, S.p. Medical Collage, Bikaner.

----Respondents

For Petitioner(s)	:	Mr. Devendra Singh Rathore
For Respondent(s)	:	Mr. Tanuj Jain for Mr. Mukesh Dave, AGC

HON'BLE DR. JUSTICE NUPUR BHATI
Order

08/07/2026

1. Learned counsel for the petitioner submits that in an identical controversy, this Court has granted interim order while issuing notices on 23.02.2026 in the case of **Dr. Manisha Ujjwal & Ors. Vs. State of Rajasthan & Ors. (SBCWP No.3774/2026)**. The relevant part of the said order is reproduced hereunder:-

xxxx....

"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."

2. Learned counsel for the respondent is not in a position to refute the fact the issue involved herein is identical to the case of **Dr. Manisha Ujjwal (supra)**.

3. In view of the above, issue notice of the writ petition along with stay application to the respondents, returnable within a period of four weeks.
4. 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 forthwith and permit him to join the Senior Residency Course pursuant to the allotment list dated 17.04.2026 (Annex.-1).
4. Connect with SBCWP Nos.2936/2026 and 3774/2026, as prayed.

(DR.NUPUR BHATI),J