

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 3432/2026

Dr Swati Sagar D/o Mahendra Prakash, Aged About 31 Years, P/o House No. 96/block-A, Street No. 6, Near New Ashok Nagar Metro Station, Near New Ashok Nagar, Vasundhra Enclave, East Delhi-110096, Currently Present In Jaipur.

----Petitioner

Versus

1. The State Of Rajasthan, Through Its Principal Secretary, Department Of Medical And Health Services, Govt. Of Rajasthan, Secretariat, Jaipur, Rajasthan.
2. Joint Secretary, Medical Education (Group-1) Department, A11, Govind Marg, Saket Colony, Sethi Colony, Jaipur, Rajasthan 302004
3. The Director/ Additional Director (P.h.), Medical And Health Services, Govt. Of Rajasthan, Swasthaya Bhawan, C-Scheme, Ashok Nagar, Jaipur, 302007 (Raj.).
4. Office Of Chairman Dm/m.ch/md/ms Candidates Allotments Board-2025, Sms Medical College Jln Marg Jaipur 302004
5. The Principal, Rnt Medical College, Hmqv-7Xq, Court Chowk, Citys Prime Health Care Area, Udaipur, Rajasthan 313004
6. National Medical Commission, Through Its Secretary, Pocket - 14, Sector - 8, Phase-I, Dwarka, New Delhi-110 077
7. Registrar, All India Institute Of Medical Sciences, Ansari Nagar, New Delhi-29

----Respondents

For Petitioner(s)	:	Ms. Purvi Mathur Mr. Kushagra Sharma
For Respondent(s)	:	Mr. Vigyan Shah, AAG with Ms. Tanvisha Pant

HON'BLE MR. JUSTICE ANUROOP SINGHI
Order

20/02/2026

1. The present writ petition has been filed with the following prayers:-

"In these circumstances, it is, therefore, most respectfully prayed that this Hon'ble Court may be pleased to accept this writ petition and pass appropriate directions and:

- I. Quash or set aside the impugned order dated 28.01.2026 (F.7 (54) (393) (1)/SR Allotment/Dme/Acad/2025/-08146) issued by the Respondent no. 2 insofar as it applies retrospectively to the Petitioner or imposes additional financial and procedural obligations not envisaged at the time of their admission;*
- II. Issue a writ of Mandamus, Certiorari, order or direction declaring that the impugned order dated 28.01.2026 issued by Respondent no. 2, to the extent it imposes the requirement of furnishing a bank guarantee equivalent to the service bond amount as a pre-condition for admission to NEET-SS and INI-SS Courses, is illegal, arbitrary, unconstitutional, and without lawful authority;*
- III. Declare that the Petitioner is entitled to pursue Super-Speciality Courses, Fellowships, and Senior Residency appointments without being compelled to furnish a bank guarantee, and that their original documents shall not be withheld on account of any retrospective or belated condition;*
- IV. Direct the respondents to release the original academics documents of the petitioner to pursue Super-Speciality Courses, Fellowships, and Senior Residency appointments.*
- V. Any other order or direction which this Hon'ble Court deem just and proper in the facts and circumstances of the case may also be passed in favour of the Petitioner."*

2. Ms. Purvi Mathur and Mr. Kushagra Sharma, learned counsel for the petitioner, at the very outset has relied upon interim orders passed by this Court in **S.B. Civil Writ Petition**

No.18011/2025 titled as **Dr. Harshpreet Kour Vs. State of Rajasthan and Others** dated 10.02.2026 and **S.B. Civil Writ Petition No.19839/2025** titled as **Dr. Yash Vardhan Vs. State of Rajasthan and Others** dated 16.02.2026. Relevant portion of the order passed in the case of **Dr. Yash Vardhan (supra)** reads as under:-

"18. *It is a matter of fact that no reply to the application under consideration or counter to the additional affidavit has been filed by the State.*

It is not in dispute that the order which provides for submission of bank guarantee by the petitioners equivalent to the amount of service bond has been issued by the State of Rajasthan on 28.01.2026 and thus, there was no occasion whatsoever for any candidate to presume or apprehend imposition of any such condition prior to the said order coming into effect.

19. *It is also a matter of record that prior to issuance of circular dated 28.01.2026, the circular dated 01.04.2025 was holding its field.*

Clause 15 of the circular dated 01.04.2025 reads as under:-

"15. यदि कोई छात्र किसी Institute of National Importance (AIIMS, PGI, JIPMER) में Fellowship फे लिए चयनित होता है तो उसे भी Fellowships उपरान्त 2 वर्ष की राज्य में राजकीय सेवा देने की शर्त पर ही अनुमति दी जायेगी।"

And, Clause 15 of the circular dated 28.01.2026 reads as under:-

"15. यदि कोई अभ्यर्थी स्नातकोत्तर अथवा सुपर स्पेशियलिटी पाठ्यक्रम पूर्ण करने के उपरांत किसी 'इंस्टीट्यूट ऑफ नेशनल इम्पोर्ट्स' (Any AIIMS/ PGI Chandigarh, JIPMER) तथा अन्य 'इंस्टीट्यूट ऑफ नेशनल इम्पोर्ट्स' संस्थान) में सीनियर रेजीडेन्सी हेतु चयनित होता है, तो उसे राज्य सरकार / संस्थान द्वारा बांड राशि के समतुल्य बैंक गारंटी जमा कराने पर अनुमति दी जा सकेगी।"

Clause 15 of both these circulars deals with the situation where a candidate is willing to join an INI.

20. *Though, the respondents seriously dispute the applicability of Clause 15 of the circular dated 01.04.2025 upon SR-ship on the ground that the word used in Clause 15 of the circular dated 01.04.2025 is "Fellowship" and not "SR-ship", this Court in the case of **Dr. Rohit Yadav***

(supra) considered the issue of SR-ship has duly referred to the order dated 01.04.2025 and has held as under:-

"16. Considering the submissions made by the learned counsel for the parties, taking note of the judgments cited at Bar and upon assiduous perusal of the records, this Court has made the following observations:

16.1 That PGIMER Chandigarh is an Institute of National Importance.

16.2 That the RNT college, Udaipur upon an undertaking released the original documents of the petitioner.

16.3 That the respondent No.3 has not released the provisional degree and NOC of the petitioner.

16.4 That the circular dated 01.04.2025 issued by the Secretary permits the candidate for pursuing program/service in an Institute of National Importance for the respective period and thereafter completing remaining years of service as per Bond condition.

17. While placing reliance upon Article 19 and 21 of the Constitution of India, 1950 and taking note of the fact that the petitioner has expressed his willingness to serve as a Senior Resident with the State for the remaining period, this Court in the interest of justice deems it apposite to allow the present petition with the following directions:

17.1 Provisional degree of the petitioner be released along with NOC and requisite documents, if any.

17.2 An undertaking in pursuance to the dictum passed in judgment **Dr. Nishant Gopal (Supra)**, as on date be furnished to the State Government assuring compliance of the remaining Bond period in future.

17.3 PGIMER Chandigarh to permit the petitioner to continue on the post of Senior Resident without any break.

17.4 Respondent No.3 is directed to release requisite documents and NOC in favor of PGI Chandigarh."

Thus, it is not open for the respondents to argue that the Clause 15 of the circular dated 01.04.2025 will not apply on a candidate willing to join an INI for SR-ship.

21. Now, comparing Clause 15 of both the circulars i.e., circular dated 01.04.2025 and circular dated 28.01.2026, it is evident that the circular dated 28.01.2026 imposes an onerous condition upon the candidates of furnishing a bank guarantee equivalent to the amount of service bond. As the said circular came into effect only on 28.01.2026 and the applicant/petitioner No.2 has applied at AIIMS, Delhi for SR-ship in pursuance to an Advertisement dated 20.11.2025, which was issued much prior to issuance of the circular dated 28.01.2026 and even the online application form was filled on 01.12.2025 in pursuance to which, the examination was held on 03.01.2026, result of which was declared on 09.01.2026 and even the interview was held on 20.01.2026, this Court has no hesitation in holding that the applicant/petitioner No.2 would stand governed by circular dated 01.04.2025 and

circular dated 28.01.2026 cannot be applied retrospectively upon the applicant/petitioner No.2 herein. It is more than settled that a circular cannot be applied retrospectively, more so to the detriment of a candidate who has already participated in the recruitment process on the basis of a circular which was existing on the date of commencement of the recruitment process.

22. *It is also well established that a recruitment process commences with date of issuance of the Advertisement for recruitment. Applying the circular dated 28.01.2026 upon a recruitment process which has already commenced by issuance of the Advertisement on 20.11.2025 would tantamount to altering the rules of the game mid-way and that too, without any rationale, transparency or justification."*

3. Learned counsel for the petitioner submit that in the present case as well, all the crucial and relevant events have taken place much prior to the issuance of the circular dated 28.01.2026 by the State, viz.

- i) Issuance of advertisement by AIIMS, New Delhi on 20.11.2025.
- ii) Last date of submission of online application on 06.12.2025;
- iii) Holding of written examination on 03.01.2026;
- iv) Holding of interview dated 19.01.2026;
- v) Declaration of result of examination dated 23.01.2026.

4. Learned counsel for the petitioner further submit that in pursuance to the aforementioned advertisement, the petitioner has received an appointment memorandum dated 05.02.2026 and is required to report at AIIMS-CAPFIMS Centre, Maidangarhi on or before 21.02.2026 along with all of her original documents. Thus, considering the fact that all the relevant events have taken place

prior to the issuance of the circular dated 28.01.2026, the present writ petition be allowed.

5. Learned counsel for the respondent could not dispute the factum of the relevant events mentioned above taking place prior to the issuance of the circular dated 28.01.2026 and also the factum of interim orders passed by this Court in the case of **Dr. Harshpreet Kour (supra)** and **Dr. Yash Vardhan (supra)**.

6. Heard learned counsel for the parties and perused the record.

7. Considering the facts obtained, more particularly the fact that the crucial and relevant events mentioned above have taken place prior to the issuance of circular dated 28.01.2026, which stands corroborated from the perusal of the advertisement dated 20.11.2025, issued by AIIMS, New Delhi, and the memorandum of appointment dated 05.02.2026, issued to the petitioner granting appointment on the Post of Senior Resident/Senior Demonstrator and taking guidance from the interim orders passed by this Court on 10.02.2026 and 16.02.2026, the present writ petition deserves to be allowed and is accordingly allowed, though to the limited extent of release of petitioner's original documents.

8. As the petitioner has qualified the written examination of AIIMS-CAPFIMS Centre, Maidangarhi, which is an INI and has been called to report at the said institute for SR-ship along with her original documents, the respondents are directed to release the original documents of the petitioner, immediately on furnishing of an undertaking by the petitioner to the effect that she would serve the State Government for the period as stipulated in the bond executed and submitted by her after completion of the

tenure of her SR-ship at AIIMS-CAPFIMS Centre, Maidangarhi. The undertaking would also state that in the event of she failing to serve the State Government, she would pay the amount to the State Government as mentioned in the bond.

9. As the petitioner has duly submitted her willingness to furnish the undertaking and even the learned counsel for the petitioner has made the said submission at bar, a copy of the undertaking so furnished by the petitioner be also filed before this Court and be made part of the record so as to ensure that the conditions stipulated in the undertaking are duly adhered to by the petitioner. The undertaking is to be filed before this Court within one week of furnishing of the same with the State Government.

10. It is also clarified that the said directions for release of documents are being issued in the peculiar facts and circumstances of this case, more particularly considering the fact that the petitioner has been granted SR-ship at AIIMS-CAPFIMS Centre, Maidangarhi, which is an INI.

11. In case, if she fails to join AIIMS-CAPFIMS Centre, Maidangarhi, she would be mandatorily required to handover the original documents to the State Government within a period of seven days from the said rejection/non-joining of the petitioner.

12. With the above directions, the writ petition as well as pending application(s), if any, stands disposed of.

(ANUROOP SINGHI),J

