

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 3529/2026

1. Dr. Rahul Ranwan S/o Rawat Ram Ranwan, Aged About 38 Years, R/o Megsar, Churu, Rajasthan.
2. Dr. Nitika Banwal D/o Ramkishore Banwal, Aged About 32 Years, R/o Gangapuri, Ladpur, Alwar, Rajasthan.
3. Dr. Manisha Bai D/o Tara Chand Mehra, Aged About 30 Years, R/o Ganv Nayabas Tehsil Bansur, Naya Bas, Alwar, Rajasthan.

-----Petitioners

Versus

1. State Of Rajasthan, Through Its Principal Secretary, Department Of Medical And Health Services, Government Of Rajasthan, Jaipur.
2. Principal Secretary, Department Of Medical Education, Government Of Rajasthan, Jaipur.
3. Joint Secretary, To The Govt Department Of Medical And Health (Group -2 Nd), Government Secretariat, Jaipur.
4. The Director (Public Health), Department Of Medical And Health Services, Directorate, Health Bhawan, Jaipur.
5. The Chairman, Md/m.s./ Dm/mch, Candidates Allotment Board 2026, Sms Medical College, Jln Marg, Jaipur.
6. Joint Director (Bikaner), Medical And Health Department, Vijay Kapoor Marg, Jail Well Mohalla, Bikaner, Rajasthan.
7. Principal Medical Officer, District Government Hospital Anoopgarh, Bikaner Rd, Dhan Mandi, Anupgarh, Rajasthan
8. Chief Medical And Health Officer, Community Health Center, Govindgarh, Alwar.
9. Chief Medical And Health Officer, Community Health Center Nagawa, Alwar.

-----Respondents

For Petitioner(s)	:	Mr. Akshay Singh
For Respondent(s)	:	Mr. Vigyan Shah, AAG with Ms. Tanvisha Pant

HON'BLE MR. JUSTICE ANUROOP SINGHI

20/02/2026

Issue notice of writ petition as well as stay application to the respondents, returnable within three weeks.

Mr. Vigyan Shah, learned Additional Advocate General, accepts notice on behalf of the respondents.

Name of Mr. Vigyan Shah, learned AAG, be shown in the cause list as learned counsel for the respondents.

Learned counsel for the petitioners, at the very outset, has placed reliance upon the interim orders passed by Co-ordinate Bench of this Court at Principal Seat, Jodhpur, in **i) S.B. Civil Writ Petition No.4101/2026**, titled as **Dr. Satish and Ors. Vs. State of Rajasthan and Ors.**, dated **19.02.2026**, **ii) S.B. Civil Writ Petition No.3698/2026**, titled as **Dr. Ravi Prakash Nagar and Ors. Vs. State of Rajasthan and Ors.**, dated **18.02.2026** and **iii) S.B. Civil Writ Petition No.2936/2026**, titled as **Dr. Nidhi Punia Vs. State of Rajasthan and Ors.**, dated **11.02.2026**, wherein in similar circumstances, directions have been issue to the respondents to relieve the petitioners forthwith and permit them to join the Senior Residency Course pursuant to their respective allotment letters.

Learned counsel for the petitioners, while placing reliance upon the aforesaid interim orders, has prayed that as the petitioners are similarly situated, they may be granted similar relief and directions be issued to the respondents to relieve them forthwith, more so considering the fact that as per respondents' own letter dated 14.02.2026, the last date for joining the Senior Residency Course is 24.02.2026.

Per contra, Mr. Vigyan Shah, learned Additional Advocate General, appearing for the respondents has vehemently opposed the prayers made by the petitioners though, the factum of the aforesaid interim orders being passed by the Co-ordinate Bench of this Court at Principal Seat, Jodhpur, could not be disputed. However, it is specifically submitted that the relevant rules of the Rajasthan Civil Services Rules, 1951 (hereinafter referred as "**the Rules of 1951**") and so also the judgment passed by the Division Bench of this Court in ***D.B. Special Appeal Writ No.911/2020***, titled as ***State of Rajasthan and Ors. Vs. Dr. Kamaldeep Khatri*** and other connected matters, were not placed for consideration before the Court and thus, the interim orders so relied upon by the petitioners would render no assistance to them.

Learned AAG, while placing reliance upon the Division Bench judgment in ***Kamaldeep Khatri (supra)***, emphatically submitted that the grant of leave to an employee is within the discretionary powers of the employer which has to be exercised to grant, refuse or revoke a leave at any time according to the exigencies of the public services. Learned AAG also relied upon the Rules 59, 110 and 112 of the Rules of 1951.

Learned AAG further submits that SR-ship is not a higher qualification and thus, the reasoning assigned for granting study leave, that after completion of the SR-ship course the Doctors would return to serve the cause of public health with enhanced skill and expertise, will not apply.

Learned AAG further submits that an interim order passed by a Co-ordinate Bench of this Court will not carry a binding effect and considering the relevant rules of the Rules of 1951 and

judgment passed by the Division Bench of this Court, the stay application filed by the petitioners deserves to be dismissed.

Heard learned counsel for the parties on stay application.

A perusal of the interim orders passed by this Court in **Dr. Satish (supra)**, **Dr. Ravi Prakash Nagar (supra)** and **Dr. Nidhi Punia (supra)**, leaves no room for doubt that that same have been passed in similar conditions and there is no justification for distinguishing the case of the petitioners from the orders passed by the Co-ordinate Bench of this Court at Principal Seat, Jodhpur.

It is also a matter of fact that till date, nothing has been placed on record to substantiate that any step has been taken by the respondents – Departments, which is same in all the petitions, with respect to any challenge being made to any of the aforesaid interim orders.

Further, a perusal of the judgment passed by the Division Bench of this Court in **Kamaldeep Khatri (supra)**, it is manifested that the central issue involved in the said matter was with respect to the request of medical officers appointed in government service for grant of study leave during the period of probation which the government resists. Though, the said judgment going ahead has referred to all the applicable rules regarding grant of study leave, however, once the focal point was with respect to grant of study leave to the applicants during the period of probation, the facts and issue under consideration in the said judgment are very much distinguishable and cannot be applied in the present matter, so much so to not to follow the

interim orders consistently passed by the Co-ordinate Bench of this Court.

This Court is conscious of the judicial discipline, propriety and consistency which is required to be followed and maintained and which is the hallmark of the judicial system and thus, taking note of the above aspects, this Court is inclined to grant the petitioners the same interim relief as has been granted by the Co-ordinate Bench of this Court in the orders referred above.

Accordingly, the respondents are directed to relieve the petitioners latest by tomorrow i.e., 21.02.2026 and permit them to join the Senior Residency Course pursuant to the allotment letter dated 04.02.2026.

List the matter along with S.B. Civil Writ Petition No.3139/2026 on 17.03.2026, on or before which, learned counsel for the respondents may file reply to the writ petition.

(ANUROOP SINGHI),J