

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 5275/2026

1. Dr. Saumya Mathur D/o Anil Prakash Mathur, Aged About 29 Years, R/o - 7-D-5, Near Mansapurna Mahadeo Mandir, Jawahar Nagar, Jaipur, Po Jawahar Nagar, District Jaipur(Raj.)-302004.
2. Dr. Hitesh Sharma S/o Dashrath Pal Sharma, Aged About 29 Years, R/o Jain Mandir Ke Pass, Sewer Road, 355, Sugriw Colony, Tawar Wala Makan Bharatpur Po Bharatpur (Raj.)- 321001.
3. Dr Mohit Sharma, S/o Lokesh Chand Sharma, Aged About 31 Years, R/o Flat No. 843, Ashiana Daksh, Shri Kishanpura, Po-Vidhani, Jaipur-Rajasthan-303905
4. Dr Ragini Keswani, D/o Sanjay Keswani, Aged About 28 Years, P/o 695, Urban Estate, Sector 7, Thanesar, Po Kurukshetra, Haryana-136118, R/o Currently Present In Jaipur, Rajasthan
5. Dr Prashant Sharma, S/o Mahadev Prasad, Aged About 27 Years, P/o Ward No. 02, Mid Colony Paath Road, Gali No. 02, Ambah, Morena, Madhya Pradesh-476111, R/o Currently Present In Jaipur, Rajasthan
6. Dr. Patel Nishaben Motibhai, S/o Motibhai Kalubhai Gami, Aged About 27 Years, P/o Ramchowk, Beside Dr. Vora Saheb, Ta-Palanpur, Gadh, District -Banaskantha, Gujarat- 38551, R/o Currently Present In Jaipur, Rajasthan
7. Dr. Shunmugam M, C/o Muneeswaran, Aged About 30 Years, P/o 19, Mela Marakkudi Street, Chintamani, Puliyangudi, Tenkasi District, Tamil Nadu 627855, R/o Currently Present In Jaipur, Rajasthan
8. Dr. Rupan Chakravarthy, D/o Subburajan P, Aged About 29 Years, P/o 3/586 3-586 Abirami Nagar 2Nd Street, Ns Nagar, Karur Road, Seelapadi- 624005 Tamil Nadu R/o Currently Present In Jaipur, Rajasthan
9. Dr. Pulkit Singhal S/o Dinesh Singhal, Aged About 29 Years, R/o 4A-14, Jhawar Nagar, Ward No. 37, Ganga Nagar Rajasthan-335001
10. Dr Rekha Mahawar D/o Pokher Mahawar, Aged About 31 Years, R/o A 148 Rohini Nagar Jagatpura Jaipur 302025

11. Dr Deepak Ahlawat S/o Ram Singh, Aged About 30 Years, R/o Ward No 18, Mazi Sahab Ka Bagh, Khetri Jhunjhunun Rajasthan-333503
12. Dr Sudarshan Kumar Bamniya S/o Shyal Lal, Aged About 30 Years, R/o Bamniya Ka Baas Padoo Khurd, Nagaur, Padukhurd Rajasthan-341031
13. Dr Shweta Bhati D/o Hanuman Singh Bhati, Aged About 34 Years, R/o G 16, Shastri Nagar, Jodhpur, Jodhpur K.u.m, Bhagat Ki Kothi, Rajasthan-342005, Currently At Jaipur, Rajasthan
14. Dr. Jyoti Ahuja, D/o Satish Kumar, Aged About 32 Years, R/ O House No 133/6, Near Punjabi Ramlila, Partap Chowk, Rohtak, Haryana-124001, Currently Present In Jaipur, Rajasthan.
15. Dr Shweta Thakur D/o Shyam Sunder Thakur, Aged About 29 Years, R/o Flat No 145, Chandanwari, Cghs Limited Plot No 8 Sector 10 Dwarka New Delhi-110075, Currently Present In Jaipur, Rajasthan.
16. Dr Saransh Verma S/o Trilok Chand Verma, Aged About 29 Years, R/o Gudha Katla, Road, Bandikui, Jageer (Rural) Dausa Rajasthan-303313.
17. Dr. Mitali Kishor Kothia D/o Kishor Chatrabhuaj Kothia, Aged About 29 Years, R/o 223, Shubh Laxmi Soc, Nana Varachha, Surat 395006.

-----Petitioners

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 Avlishealth 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, S.m.s Medical College, Jln Marg, Gangawal Park, Adarsh Nagar, Jaipur, Rajasthan - 302004
6. The Principal, R.n.t. Medical College, Court Chowk, Citys Prime Health Care Area, Udaipur, Rajasthan 313004
7. The Principal, Jhalawar Medical College, Kota Rd, Gayatri Nagar, Jhalawar, Rajasthan 326001
8. The Principal, Dr. Sn. Medical College, Residency Rd, Sector-D, Shastri Nagar, Jodhpur, Rajasthan 342003
9. The Principal, S.p. Medical College, 284H+8Vg, Sp Medical College Rd, Pbm Hospital, Sardar Patel Colony, Bikaner, Rajasthan 334003
10. The Principal Government Medical College, Rangbari Rd, Sector - A, Rangbari, Kota, Rajasthan 324005
11. The Principal Jln Medical College, Kala Bagh, Ajmer, Rajasthan 305001
12. National Medical Commission, Through Its Secretary, Pocket - 14, Sector - 8, Phase-I, Dwarka, New Delhi-110 077

-----Respondents

For Petitioner(s)	:	Ms. Purvi Mathur with Mr. Kushagra Sharma, Mr. Sharad Dadhich, Mr. Dilip Rathore, Mr. Raj Singh Rathore and Mr. Bheeshm Sharma
For Respondent(s)	:	Mr. Vigyan Shah, AAG with Ms. Tanvisha Pant Mr. Archit Bohra, AGC Mr. Praduman Singh Rathore

HON'BLE MR. JUSTICE ANUROOP SINGHI
Order

19/03/2026

1. The present writ petition has been filed by the petitioners 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 Petitioners 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 Petitioners are 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 petitioners 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 Petitioners."

2. Learned counsel for the petitioners, at the very outset, have relied upon 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.

3. Learned counsel for the petitioners submit that all the petitioners herein have cleared their NEET – Super Speciality Examination, 2025 (**NEET – SS Exam**), the result of which was

declared on 23.01.2026 and all the crucial and relevant events have also taken place prior to the issuance of the circular dated 28.01.2026 by the State and thus, the petitioners be governed by the circular dated 01.04.2025 and not 28.01.2026.

4. Learned counsel for the petitioners further submit that as per the Information Bulletin of NEET – SS Exam, the time period for submission of application form was from 05.11.2025 to 25.11.2025, in pursuance to which the petitioners submitted their respective application forms and thereafter the admit cards were also issued to the petitioners and finally, the examination was conducted on 26.12.2025 and 27.12.2025. Even the result of the NEET – SS Exam was declared on 23.01.2026 and thus, the petitioners cannot be governed by the circular dated 28.01.2026.

5. Learned counsel for the petitioners further submit that Clause 16 of the circular dated 01.04.2025 reads as under:-

“16. संबंधित अभ्यर्थियों के मूल दस्तावेज उपरोक्त 02 वर्ष की राजकीय सेवा अवधि पूर्ण करने के उपरान्त संबंधित चिकित्सा महाविद्यालय द्वारा रिलिज किये जायेंगे। इस हेतु उनके द्वारा प्रदान की गई राजकीय सेवा के बारे में प्रमाण-पत्र संबंधित प्रधानाचार्य एवं नियंत्रक द्वारा जारी किये जायेंगे। उपरोक्त प्रमाण पत्र के आधार पर 02 वर्ष की राजकीय सेवा का सत्यापन किया जाकर संबंधित चिकित्सा महाविद्यालय द्वारा उनके मूल दस्तावेज अभ्यर्थी को लौटा दिये जायेंगे। यदि अभ्यर्थी सुपर स्पेशियलिटी कोर्स/Fellowship में चयनित होता है एवं उसे इन शिक्षण संस्थानों में मूल दस्तावेज की आवश्यकता होती है तो संबंधित संस्थान सीधे ही मूल दस्तावेज संबंधित चिकित्सा महाविद्यालय को भिजवायेगा, जहां पर अभ्यर्थी द्वारा सुपर स्पेशियलिटी कोर्स/Fellowship हेतु प्रवेश लिया जा रहा है।”

6. Thus, it is prayed that considering the fact that all the relevant and crucial events have taken place prior to the issuance

of the circular dated 28.01.2026, the petitioners cannot be governed by the said circular and the respondents be directed to handover petitioners' original documents to them in terms of the circular dated 01.04.2025, and accordingly, the writ petition be allowed.

7. Mr. Vigyan Shah, learned AAG with Mr. Archit Bohra, learned counsel for the respondents could not dispute the factum of the above mentioned relevant events taking place prior to the issuance of the circular dated 28.01.2026 and also the factum of the various orders passed by this Court from time to time.

8. However, it has been specifically submitted that the circular dated 01.04.2025 has to be applied on the petitioners in entirety and Clause 16 of the said circular unequivocally provides that in case the Super Speciality Colleges in which the petitioners are selected for their Super Speciality Course (**SS – Course**) requires the petitioners to submit their original documents, then the respondents would send the original documents of the petitioners to their respective Super Speciality Colleges directly.

9. Heard, learned counsel for the parties and perused the record.

10. This Court in the case of **Dr. Yash Vardhan (supra)** while dealing with similar set of circumstances has held 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 के 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 इम्पोर्टंस' (Any AIIMS/ PGI Chandigarh, JIPMER) तथा अन्य 'इंस्टीट्यूट ऑफ नेशनल इम्पोर्टंस' 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."

11. Considering the facts that the NEET – SS Exam and so also the declaration of the result of the said exam have taken place prior to the issuance of the circular dated 28.01.2026, it is more

than established that the relevant and crucial events have taken place prior to the issuance of the said circular and thus, under no circumstances, the said circular can be applied upon the present petitioners. Hence, the petitioners would stand governed by the circular of the State Government dated 01.04.2025 which was in effect and operation on the date of the relevant and crucial events of the present case. Accordingly, the present petition deserves to be allowed and is allowed to the limited extent of governing the petitioners by the circular of the State Government dated 01.04.2025. Also, in view of the above findings, there is no occasion for this Court to deal with the validity of the circular dated 28.01.2026 in the present petition.

12. As the petitioners have been issued allotment letters by their respective Super Speciality Colleges in pursuance to the NEET – SS score card and they are required to report and submit their original documents with their respective allotted Super Speciality Colleges, the Principals of the respective medical colleges of the respondent – State Government are directed to ensure that in terms of Clause 16 of the circular dated 01.04.2025, the original documents of the petitioners are sent directly by the respective medical colleges of the respondent – State Government to the petitioner's respective allotted Super Speciality Colleges.

13. As the submission of the documents is required to be done by the petitioners with their respective allotted Super Speciality Colleges in a time bound manner, it would be in the fitness of things to issue the following directions as well:-

- i. Considering the fact that the petitioners are required to report and join their respective allotted Super Speciality

Medical Colleges as early as possible, let an e-mail attaching the scanned copy of the original documents of the petitioners be sent by the Principals of respective medical colleges of the State Government to the respective Super Speciality Medical Colleges of the petitioners immediately informing about the sending of the documents of the respective petitioners directly by the medical colleges of the State Government to the respective Super Speciality Medical Colleges; and

ii. It be also communicated that though the provisional allotment letter requires the petitioners to produce all the original documents at the time of reporting at the allotted Super Speciality Medical Colleges, however, in terms of the circular dated 01.04.2025 and the present order passed by this Court, it is the State Government who would ensure the delivery of the original documents of the petitioners to their respective allotted Super Speciality Medical Colleges; and

iii. As the medical colleges of the State are required to ensure delivery of the original documents of all the petitioners, in the eventuality of any such documents reaching the respective Super Speciality Medical Colleges beyond a particular date, it will not at all prejudice the allotment/admission of the respective petitioners in their respective Super Speciality Colleges.

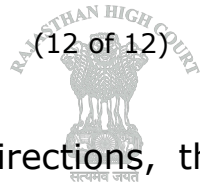
14. The petitioners are also directed to immediately furnish an undertaking along with their respective provisional allotment letters with the State Government to the effect that they would serve the State Government for the period as stipulated in the

bond executed and submitted by them, after completion of their tenure of Super Speciality course at their respective allotted Super Speciality Medical Colleges.

15. The undertaking would also state that in the event they fail to serve the State Government, they would pay the amount as mentioned in the Bond to the State Government. As the petitioners have duly submitted their willingness to furnish the undertaking and even the learned counsel for the petitioners have made this submission at Bar, a copy of the undertaking so furnished by the petitioners also be filed before this Court, if not already filed, and be made part of the record so as to ensure that the condition stipulated in the undertaking are duly adhered to by the petitioners. The said undertaking be furnished before this Court within one week of furnishing the same to the State Government.

16. It is also clarified that the said directions for release of the documents are being issued in light of the peculiar facts, more particularly considering Clause 16 of the circular dated 01.04.2025.

17. It is also clarified that in case, any of the petitioners fail to join their respective Super Speciality Medical Colleges, they would be mandatorily required to serve the State Government as per the Bond executed by them and the State Government will be within their rights to take all possible measures of procuring the documents back from the respective Super Speciality Medical Colleges.



18. With the aforesaid directions, the writ petition along with pending application(s), if any, stand disposed of.

(ANUROOP SINGHI),J

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