

RAJASTHAN HIGH COURT

सत्यमेव जयते

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 8363/2026

Dr. Maya Pensiya W/o Vipin Kumar, Aged About 37 Years, R/o Kherli, District-Alwar, Rajasthan.

-----Petitioner

Versus

1.

State Of Rajasthan, Through Its Principal Secretary
Department Of Medical And Health Services, Govt. Of
Rajasthan, Jaipur.
2.

Principal Secretary, Department Of Medical Education,
Govt. Secretariat, Jaipur.
3.

The Commissioner, Department Of Medical Education,
Medical Education Bhawan, Govind Marg, Jaipur.
4.

Joint Secretary To The Govt., Department Of Medical And
Health (Group-2Nd), Govt. Secretariat, Jaipur.
5.

The Director (Public Health), Department Of Medical And
Health Services, Directorate, Health Bhawan, Jaipur.
6.

Dean, Employees State Insurance Corporation (E.s.i.c.),
Medical College And Hospital, Desula, Alwar, Rajasthan.
7.

Joint Director (Admin.), Employees State Insurance
Corporation (E.s.i.c.), Medical College And Hospital,
Desula, Alwar, Rajasthan.
8.

National Medical Commission, Through Its Secretary,
Sector 8, Pocket 14, Phase-1, Dwarka, New Delhi-110077
9.

Principal Medical Officer, Govt. Sub-District Hospital
Taranagar, Churu, Rajasthan.

-----Respondents

For Petitioner(s)

:

Mr. Sudhir Yadav

For Respondent(s)

:

Mr. Yash Joshi with
Ms. Tanvisha Pant for
Mr. Vigyan Shah, AAG
Ms. Soniya Saini for
Mr. Praduman Singh Rathore

HON'BLE MR. JUSTICE ANUROOP SINGHI
Order

08/05/2026

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

"It is, therefore, most humbly and respectfully prayed that Your Lordship may graciously be pleased to accept and allow this writ petition and by an appropriate writ, order or direction,

1. Quashed and set aside the illegal action of respondents by which they are not reliving the petitioner for undergo Senior Resident Course (S.R.C), in spite of this fact petitioner is selected candidates for Senior Resident Course (S.R.C) in Ophthalmology Department, after acquiring the course of MD/MS/DM., in the interest of justice.

2. Quashed and set aside the order dated 30.04.2026 passed by respondents, by which respondents directed petitioner to join, for undergo Senior Resident Course (S.R.C), within 10 days, ignoring this fact respondents are not reliving the petitioner for undergo Senior Resident Course (S.R.C) in ophthalmology department, without any order and without any reason.

3. The respondent No.5 may kindly be directed to issue order regarding reliving of petitioner and may further be directed to respondents to relive the petitioner from her respective working place of posting and further allow to join the petitioner in her respective branch at her respective medical college for undergo Senior Resident Course (S.R.C), which was allotted by the respondents.

4. Any other appropriate order, which may be found just and proper in the facts and circumstances of the case, be passed in favour of the petitioner.

5. Cost of the writ petition may also be awarded in favour of the petitioner."

2. Mr. Sudhir Yadav, learned counsel for the petitioner submits that though, vide communication dated 30.04.2026 (Annexure-4) appointment has been offered to the petitioner for the post of Senior Resident (SR) at ESIC, Medical College and Hospital, Desula, MIA, Alwar, the petitioner has been further directed to join her duty within ten days of the issuance of this letter.

3. Learned counsel for the petitioner submits that while on one hand, the petitioner is required to join ESIC, Medical College and Hospital within ten days, on the other hand, respondent No.9 - Principal Medical Officer, Govt. Sub-District Hospital Taranagar, Churu, Rajasthan, under whom the petitioner is working as Medical Officer in Ophthalmology Branch, has not relieved the petitioner till date.

4. Learned counsel for the petitioner further submits that the respondent No.5, to whom the representation made by the petitioner with respect to the petitioner's relieving has been forwarded on 01.05.2026, be directed to consider the petitioner's representation, more particularly, in light of judgment dated 20.08.2025 passed by Co-ordinate Bench of this Court at Principal Seat, Jodhpur in **S.B. Civil Writ Petition No.15457/2025**, titled as **Dr. Vikram Singh Shekhawat & Ors. Vs. State of Rajasthan & Ors.**, paragraph Nos.8 and 9 of which reads as under :-

"8. In the above circumstances, this Court is inclined direct the concerned Controlling Authority under whom the petitioners are working to take a decision on the request of petitioners to relieve them in compliance with the Circular/Order dated 05.07.2022 and the

Guidelines dated 11.06.2025 issued by the Directorate.

9. Such a decision shall be taken by the respondents - authorities within a period of 15 days from the date of production of a certified copy of this order."

5. Mr. Yash Joshi, Advocate, with Ms. Tanvisha Pant, Advocate, appearing for Mr. Vigyan Shah, learned AAG for respondents No.1 to 5 and 9 does not dispute the factum of the order dated 20.08.2025 and submits that in the event of any representation being made by the petitioner, the same would be decided in accordance with the directions issued by this Court, vide its order dated 20.08.2025.

6. Taking note of the above facts, respondent No.5 - the Director (Public Health), Department Of Medical And Health Services, Directorate, Health Bhawan, Jaipur, is directed to decide the representation of the petitioner dated 01.05.2026 with respect to her request of relieving in order to join ESIC, Medical College and Hospital in terms of the offer of appointment dated 30.04.2026.

7. It is also observed that as the offer of appointment dated 30.04.2026 provides for a period of ten days to the petitioner to join, the respondents No.6 and 7 are directed to not to take any adverse action against the petitioner till the decision of her representation is taken by respondent No.5.

8. With the aforesaid directions, the writ petition stands disposed of.

9. Pending application(s), if any, also stand disposed of.

(ANUROOP SINGHI),J