

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 19831/2025

1. Dr. Shaurya Sahani D/o Dr. Vibhu Sahani, Aged About 26 Years, R/o Type 1, P 2 Medical College Campus, Po L.I.r.m. Medical College, Meerut, Uttar Pradesh - 250004
2. Dr. Akanksha Sharma D/o Hari Krishan Tiwari, Aged About 29 Years, R/o 309 B-Block, Mangalam Orchid Residency, New Navratan Complex, Girwa, Udaipur, Rajasthan - 313001
3. Dr. Dheeraj Krishna B S/o Babu K P, Aged About 30 Years, R/o Thekkayil, Edakkara, Chelannur, Kozhikode, Kerala - 673616
4. Dr. Sakshi D/o Surender Kumar, Aged About 28 Years, R/o Dhab Dhani (141), Dhabdhani, Bhiwani, Haryana - 127030
5. Dr. Swati Joshi D/o Parma Nand Joshi, Aged About 27 Years, R/o 25/45, Govindgarh, Dehradun, Uttarakhand - 248001
6. Dr. Litto Giftson J S/o Giftson Thomas, Aged About 30 Years, R/o Alpha, Kurissandinada, Thekkepoovanvila, Thirupuram Po, Thiruvananthapuram, Kerala -695133

----Petitioners

Versus

1. State Of Rajasthan, Through Secretary, Department Of Medical Education, Govt. Of Rajasthan, Secretariat, Jaipur, Raj.
2. The Commissioner, Department Of Medical Education, Govt. Of Rajasthan, Chikitsa Siksha Bhawan, Near Pink Square Mall, Govind Marg, Jaipur, Raj.
3. The Chairman, Dm / Mch / Ms / Md / Other Candidates Allotment Board - 2026, S. M. S. Medical College, Jaipur, Raj.
4. The Principal, R.n.t. Medical College, Udaipur, Raj.
5. The Principal, Govt. Medical College, Kota, Raj.

----Respondents

For Petitioner(s) : Mr. Arvind Kumar Singh
Mr. Ram Karan Meena
For Respondent(s) : Mr. Vigyan Shah, AAG with
Ms. Tanvisha Pant
Mr. Angad Mirdha

HON'BLE MR. JUSTICE ANUROOP SINGHI

Order

19/03/2026

1. The matter comes up on an application No.2/2026 filed by the applicant/petitioner No.4 – Dr. Sakshi D/o Surendar Kumar, seeking release of her original documents from the respondents enabling her to join the NEET Super Speciality (NEET-SS) Course in pursuant to NEET-SS Examination 2025 at the allotted Super Speciality medical college.

2. Learned counsel for the applicant/petitioner No.4 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 applicant/petitioner No.4 submitted her application form and thereafter the admit card was also issued to the applicant/petitioner No.4 and finally, the examination was conducted on 27.12.2025. Even the result of the NEET – SS Exam was declared on 23.01.2026 and thus, the applicant/petitioner No.4 cannot be governed by the circular dated 28.01.2026.

5. Learned counsel for the applicant/petitioner No.4 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 applicant/petitioner No.4 cannot be governed by the said circular and the respondents be directed to handover the original documents of the applicant/petitioner No.4 to her in terms of the circular dated 01.04.2025, and accordingly, the present application 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 applicant/petitioner No.4 in entirety and Clause 16 of the said circular unequivocally provides that in case the Super Speciality College in which the applicant/petitioner No.4 is selected for her Super Speciality Course (**SS – Course**) requires the applicant/petitioner No.4 to submit her original documents, then the respondents would send

the original documents of the applicant/petitioner No.4 to her Super Speciality College directly.

9. Heard, learned counsel for the parties on the application 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 इम्पोर्ट्स' (Any AIIMS/ PGI Chandigarh, JIPMER) तथा अन्य 'इंस्टीट्यूट ऑफ नेशनल इम्पोर्ट्स' संस्थान) में सीनियर रेजिडेन्सी हेतु चयनित होता है, तो उसे राज्य सरकार / संस्थान द्वारा बॉन्ड 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 applicant/petitioner No.4. Hence, the applicant/petitioner No.4 will 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 application deserves to be allowed and is allowed.

12. As the applicant/petitioner No.4 has been issued an allotment letter by Super Speciality College in pursuance to the NEET – SS score card and is required to report and submit her original documents with her allotted Super Speciality College, the Principal of the medical college of the respondent – State Government is directed to ensure that in terms of Clause 16 of the circular dated 01.04.2025, the original documents of the applicant/petitioner No.4 are sent directly by the medical college

of the respondent – State Government to the allotted Super Speciality College of the applicant/petitioner No.4.

13. As the submission of the documents is required to be done by the applicant/petitioner No.4 with her allotted Super Speciality College 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 applicant/petitioner No.4 is required to report and join her allotted Super Speciality Medical College as early as possible, let an e-mail attaching the scanned copy of the original documents of the applicant/petitioner No.4 be sent by the Principal of the medical college of the State Government to the Super Speciality Medical College of the applicant/petitioner No.4 immediately informing about the sending of the documents of the applicant/petitioner No.4 directly by the medical college of the State Government to the allotted Super Speciality Medical College; and
- ii. It be also communicated that though the provisional allotment letter requires the applicant/petitioner No.4 to produce all the original documents at the time of reporting at the allotted Super Speciality Medical College, 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 applicant/petitioner No.4 to her allotted Super Speciality Medical College; and

iii. As the medical college of the State is required to ensure delivery of the original documents of the applicant/petitioner No.4, in the eventuality of any such documents reaching the Super Speciality Medical College beyond a particular date, it will not at all prejudice the allotment/admission of the applicant/petitioner No.4 in her allotted Super Speciality College.

14. The applicant/petitioner No.4 is also directed to immediately furnish an undertaking along with her provisional allotment letter with the State Government 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 her tenure of Super Speciality course at her allotted Super Speciality Medical College.

15. The undertaking would also state that in the event she fails to serve the State Government, she would pay the amount as mentioned in Bond to the State Government. As the applicant/petitioner No.4 has duly submitted her willingness to furnish the undertaking and even the learned counsel for the applicant/petitioner No.4 have made this submission at Bar, a copy of the undertaking so furnished by the applicant/petitioner No.4 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 applicant/petitioner No.4. 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, the applicant/petitioner No.4 fails to join the Super Speciality Medical College, she would be mandatorily required to serve the State Government as per Bond executed by her and the State Government will be within their rights to take all possible measures of procuring the documents back from the Super Speciality Medical College.

18. Accordingly, the present application is allowed.

(ANUROOP SINGHI),J