

**HIGH COURT OF JUDICATURE FOR RAJASTHAN  
BENCH AT JAIPUR**



S.B. Civil Writ Petition No. 10255/2025

Dr. Rohit Yadav S/o Shri Ranvir Singh, Aged About 28 Years, R/o H. No. 132, Pota(8), Mahendragarh, Pota, Haryana - 123027 Currently Residing In Jhunjhunu, Rajasthan.

----Petitioner

Versus

1. State Of Rajasthan, Through Principal Secretary Medical, Department Of Medical And Health Services Government Of Rajasthan, Secretariat, Jaipur.
2. The Director (P.h.), Medical And Health Services, Govt. Of Rajasthan, Swasthaya Bhawan, C-Scheme, Ashok Nagar, Jaipur - 302007 (Raj.).
3. The Principal, Govt. Medical College, Jhunjhunu, Rajasthan.
4. The Principal, R.n.t. Medical College, Udaipur, Rajasthan.
5. The Director, Post Graduate Institute Of Medical Education And Research, Madhya Marg, Sector 12, Chandigarh -160012.

----Respondents

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For Petitioner(s)	:	Mr. Arvind Kumar Singh
For Respondent(s)	:	Mr. Archit Bohra, AGC

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**HON'BLE MR. JUSTICE SAMEER JAIN**

**Judgment**

**Reserved On :: 21/08/2025**

**Pronounced On :: 28/08/2025**

1. The present petition is filed with the following prayers: -

*"I. The impugned action of the Respondents in not releasing the documents of humble Petitioner, may kindly be declared illegal and arbitrary.*

*II. the Respondents may kindly be directed to allow the Petitioner and release his original documents on giving an undertaking to the effect that in case he fails to serve the State Govt. bond period upon completion of his tenure at PGIMER Chandigarh, he shall deposit the amount payable under the bond to the State Government.*



*III. Any other appropriate order or direction which this Hon'ble Court deems just and proper in the facts and circumstances of this case may kindly also be passed in favor of the Petitioner."*

2. Factual narratives of the instant matter are that the petitioner has completed Masters' from the State of Rajasthan. That the petitioner appeared in NEET PG-2021 wherein, the petitioner was declared successful and thereafter was allotted RNT Medical College, Udaipur in M.D. (Psychiatry) program.
3. During the admission process, the petitioner was directed to submit original documents in the college as a mandatory pre- condition to secure admission. Moreover, the petitioner executed a Service Bond in favor of the State Government to the effect that petitioner would be bound to serve the State Government after completion of the course and on failure to do so, the petitioner would be liable to deposit a penalty amount as per the Bond conditions.
4. The petitioner successfully completed the PG course in the year 2025 and thereafter joined the SR-ship at college in Jhunjhunu. However, in the meantime, the petitioner got selected for SR-ship in Institute of National importance PGIMER, Chandigarh, and for joining at the respective place, petitioner required the original documents and NOC.
5. Upon filing an application, the original documents were released, however the same were sent to Jhunjhunu, and the respective college in Jhunjhunu is not releasing the required documents and NOC.
6. In this background, learned counsel for the petitioner had submitted that the petitioner joined and worked until his joining at PGIMER, Chandigarh. Further, it was submitted that the petitioner sought permission for SR-ship from the respondents, and respondents duly permitted the petitioner. Subsequently, the petitioner got selected and sought original documents to join SR-ship at PGIMER Chandigarh.



7. Further, it was submitted that the RNT Medical College, Udaipur released all original documents of the petitioner after fulfilling the bond related requirement stating that the petitioner to serve the State government after completing his SR-ship at PGIMER, Chandigarh. Thereafter, the petitioner sought his provisional degree and NOC from government medical college, Jhunjhunu vide application dated 01.07.2025 and concerned college had promised to release the same, however, process qua release may take time due to internal procedure with DME and directed the petitioner to join at the respective place.

8. Consequently, the petitioner joined as a Senior Resident at PGIMER, Chandigarh on 04.07.2025 and immediately started working in the OPD. Further, it was submitted that during the said tenure, an email was received by the petitioner, wherein, it was stated that the petitioner should not be allowed to join as he has not fulfilled his bond requirements, however, the same is untrue for the reason that the petitioner had submitted an undertaking to serve the bond period after completion of SR-ship and only after receiving the said undertaking, original documents of the petitioner were released for joining at PGIMER.

9. Additionally, it was submitted that the said email had caused impediment upon the petitioner as PGIMER, Chandigarh after the said email restrained the petitioner from working in the OPD and petitioner was made to sit ideal in the office and attendance was also not marked. Thereafter, on 25.07.2025, the petitioner was granted interim relief from the High Court, whereby, PGIMER, Chandigarh was directed to not cancel the admission of the petitioner, however, despite the said order, the respondent/PGIMER, Chandigarh has not permitted the petitioner to continue his work, thereby creating gap in his SR-ship tenure and leading to non payment of stipend.



10. Further, whilst placing reliance upon the judgment passed in **Dr. Nishant Gopal and others vs. State of Rajasthan and Others.;** **S.B. Civil Writ Petition No. 12611/2022**, learned counsel has submitted that the instant matter has akin factual matrix as that in **Dr. Nishant Gopal (supra)**, wherein this Court vide order dated 10.11.2022 had declared the action of respondents qua holding/retaining original documents, bad. Moreover, the Division Bench in **D.B. Special Appeal (Writ) No. 1311/2022** vide order dated 09.12.2022, directed the State Government to release the documents upon receiving an undertaking from the petitioners on an affidavit.

11. Furthermore, it was submitted that the petitioner has expressed willingness to serve the Bond period upon completion of his tenure at PGIMER Chandigarh and is also willing to furnish an undertaking to the effect that in case petitioner fails to serve the State Government after his tenure at PGIMER Chandigarh, petitioner shall deposit the amount payable under the Bond to the State Government, despite the said undertaking, respondent No.3/Medical college, jhunjhunu has not released the provisional degree of the petitioner, till date, thereby causing impediment qua the petitioner.

12. *Per contra*, learned counsel for the State had opposed the contentions of the learned counsel for the petitioner and had submitted that the petitioner had to deposit a sum of Rs. 10 Lakhs to enjoy SR-ship at PGIMER Chandigarh. Further, it was submitted that the State Government had issued a circular dated 01.04.2025 specifying comprehensive guidelines concerning the appointment and conduct of Senior Residents, including obligations under the Bond executed at the time of joining wherein, Clause 15 of the said guideline explicitly states that if a candidate is selected for a fellowship at an Institute of National Importance, he/she may be permitted to temporarily leave Senior Residency in Rajasthan, subject to furnishing an undertaking that after



completion of fellowship, the candidate shall return and fulfill the remaining tenure of their residency in Rajasthan.

13. Further, it was submitted that fellowship and SR-ship are two distinct positions and Clause 15 pertains to fellowship programs, which are advanced and specialized in nature. Further, it was submitted that the petitioner had applied for SR-ship, therefore, the petitioner is not entitled to the exception created under Clause 15 of the guideline.

14. Additionally, it was submitted that release of any original documents or issuance of NOC without Bond compliance is contrary to the express provisions of the guidelines and would tantamount to undermining the policy objectives of ensuring availability of trained medical professionals in government healthcare institutions. Moreover, any deviation from the mandatory bond requirements would defeat the very purpose of ensuring the availability of qualified doctors in public service.

15. Heard and considered.

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.

18. Aforementioned directions be complied forthwith.

19. Accordingly, the present petition is allowed. Pending applications, if any, shall stand disposed of.

20. No orders as to cost.

(SAMEER JAIN),J

DEEPAK/