

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 159 of 2017**

1. Dr. Deepak Jain S/o Shri Rajkumar Jain, Aged About 28 Years R/o Kalapuram, 2nd Floor, Nakoda Bhairo Society, Pachpedi Naka, Raipur (Chhattisgarh)
2. Dr. Prafull Kumar Dewangan S/o B. N. Dewangan, Aged About 31 Years R/o Village Buchihardi, Baloda, District Janjgir Champa (Chhattisgarh)
3. Dr. Kunal Paul S/o Kalipada Paul, Aged About 33 Years B-23, Green Orchid, Daldal Seoni, Mowa, Raipur (Chhattisgarh)
4. Dr. Animesh Choudhary S/o Shri Shashikant Choudhary, aged about 30 years, Kedia Colony, Pendra Road, District Bilaspur (Chhattisgarh)
5. Dr. Prem Shankar Baghel S/o Shri Tilochan Prasad Baghel, Aged About 32 Years C/o Premshankar Automobiles, In Front Of Block Office Complex, Tilda, District Raipur (Chhattisgarh)
6. Dr. Menka Khare W/o Dr. Ravi Shankar Goarya, Aged About 30 Years R/o L-212, Sector-2, D D Nagar, Raipur (Chhattisgarh)
7. Dr. Rakesh Rai S/o Shri Shreekant Rai, Aged About 32 Years R/o Dwarikhurd, Chandrashekhar Azad Nagar, Bilaspur (Chhattisgarh)

---- **Petitioner**

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Health And Family Welfare, Mahanadi Bhawan, Naya Raipur, District Raipur (Chhattisgarh)
2. Secretary, Department Of Medical Education, Mahanadi Bhavan, Mantralaya, Naya Raipur, District Raipur (Chhattisgarh)
3. President Chhattisgarh Medical Council, Raipur, First Floor, Dr. Balmukund Sharma Clinic, Kankalipara, Near Nagar Nigam Ayurvedic Hospital, Raipur (Chhattisgarh)
4. Director, Directorate Health Services, Indravati Bhawan, Naya

Raipur, District Raipur (Chhattisgarh)

5. Medical Council Of India, Aiwan- E- Galib Marg Kotla Road, New Delhi 110002

---- Respondent

For Petitioners : Shri Jitendra Pali, Advocate.

For Respondent/State : Shri A.S. Kachhawaha, Additional AG.

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

20/01/2017

1. The petitioners have called in question the order dated 4.1.2017 (Annexure-P/1) whereby the Chhattisgarh Medical Council, Raipur has directed the petitioners to deposit the amount under the bond submitted by them undertaking rendering 2 years service in the rural areas after successful completion of postgraduate courses. The petitioners have further prayed for a direction to the respondents not to take any coercive steps for recovery of the stipend money paid to them during their postgraduate studies and grant no objection certificate for registration of their postgraduate decree.
2. The petitioners have completed their MBBS degree from the colleges within the State of Chhattisgarh and thereafter they have been registered under the Chhattisgarh State Medical Council in terms of the provisions contained in the Indian Medical Council Act, 1956 and the regulations framed by the Medical Council of India.

3. Admission to the Chhattisgarh Medical and Dental Postgraduate Courses is governed under the Chhattisgarh Medical and Dental Postgraduate Courses Admission Rules, 2013 (for short 'the Rules, 2013'). The petitioners were admitted in the postgraduate course under the said rules and submitted bond/undertaking as required under Rule 14 thereof. After completion of the postgraduate course they were obliged to serve the State Government on contract basis for a period of 2 years for which counseling was held and they were posted in different Government Hospitals. The petitioners failed to join at the place where they were posted, therefore, the letter (Annexure-P/1) has been issued to them informing that if the petitioner fail to join their places of posting, the bond/undertaking submitted by them shall be acted upon and the amount shall be forfeited or recovered and their registration with the Chhattisgarh Medical Council shall be suspended for the desired period.
4. I have heard learned counsel for the parties and perused the documents.
5. Indisputably, the petitioners have appeared in the Postgraduate Entrance Test conducted by the State under the Rules, 2013. Rule 14 thereof provides that after successful completion of the postgraduate course the candidate shall have to serve the State Government on contract basis for a period of 2 years for which he shall be paid salary as provided under the Rules in this regard. Each candidate was required to submit a bond giving option that if he is not willing to serve the Government for a period of 2 years, he shall repay the amount of stipend to the State Government paid to him during the course and no objection certificate shall be issued

to the petitioners only after depositing the amount. Rule 14 (10) provides that if the candidate violates the condition, the entire bond amount shall be recoverable as arrears of land revenue and no objection certificate mentioned in Rule 14(7) shall not be issued till the entire amount is recovered from the candidate.

6. Admittedly, the petitioners have completed their PG course and were given appointment for serving the State Government on contract basis for a period of 2 years. However, they have not yet joined. The petitioners having been admitted under the Rules, 2013, they are obliged to follow the rules and there is no escape for them for not making payment of the bond amount and yet obtaining NOC for inclusion of their postgraduate degree in the State Register. In the absence of any challenge to the Rules, which otherwise also the petitioners may not, because they have secured admission under the same set of rules, the present petition under Article 226 of the Constitution of India may not come to the petitioners' rescue because having submitted the bond/undertaking they are estopped from challenging the undertaking and making different plea than what they have promised to the State Government.
7. The petitioners' counsel has also argued that the counseling for allotting the place of posting was not held in a fair manner inasmuch as blue eyed or favoured candidates have been given posting and the petitioners have been singled out by allotting them posting at difficult places or at the places where they were not willing to join.
8. On this issue, suffice it would be to say that the petitioners are challenging Annexure-P/1 and not questioning their place of

posting which may be a service matter cognizable by a different Bench. Even otherwise, the petitioners have not prayed for any relief for change of place of posting.

9. For all the aforestated reasons, the Writ Petition deserves to be and is hereby dismissed.

Sd/-
Judge
(Prashant Kumar Mishra)

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