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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 4253/2019

DR. SHUBHANGI AGARWAL AND ORS. Petitioners

Through Mr. Mohit Agaral, Adv.

versus

UNION OF INDIA AND ORS. Respondents

Through Mr. Ripu Daman Bhardwaj, CGSC
for R-1/UOI

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

ORDER

% **24.04.2019**

CM APPL. 19022/2019 (Exemption)

Allowed, subject to all just exceptions.

This application is, accordingly, disposed of.

W.P.(C) 4253/2019 & CM APPLN. 19021/2019

Vide the present petition, the petitioners seek direction thereby directing the respondents to extend their time period of Junior Residents for Dental Surgery in Dr. Ram Manohar Lohia Hospital, New Delhi.

Consequently, direct the respondents to reinstate the service of the petitioners with full back wages and with all kind of service benefits and advantages.

The petitioners were appointed as Junior Residents for Dental Surgery in Dr. Ram Manohar Lohia Hospital, New Delhi on 22/23/24 October, 2018.

Respondent nos. 1 & 2 i.e. Central Government through Ministry of Health and Family Welfare, Government of India had come with the policy

on the Residency scheme for dental courses and other courses dated 05.06.1992 which provides that the Junior Residents for Dental Surgery shall be for one year.

Moreover, Govt. of NCT of Delhi had issued a circular dated 24.04.2018 to the effect that appointment of Junior Resident (Dental/BDS) shall be for a period of one year.

Further, the office order provided by the respondent no.3 to the petitioners states that the Residency period shall be for one year. In Fact, respondent no.3 had been appointing Junior Residents for Dental Surgery for a period of one year in the past and further, in all other courses the junior residency is for one year.

The petitioners are aggrieved that without there being a change in the Central Govt. policy which is followed by all hospitals and medical institutes in the country uniformly, the respondent no.3 are arbitrarily making their own policy without following the Government of India guidelines / policy.

During the residency period when the petitioners came to know about the said policies and notifications, they requested the department to extend the period to one year but the same was denied by the respondent no.3.

Same issue came up before this Court in W.P.(C) 1286/2019, the same was disposed of vide order dated 08.03.2019, whereby, respondents therein were directed to extend the tenure of the petitioners who were selected pursuant to the circular issued to a period of one year.

Consequently, directed that the respondents shall issue the fresh order in favour of the petitioners and they shall be entitled to salary and all other consequential benefits from the date they report for duties.

As the issue in the present writ petition has already been decided, I thereby direct the respondent no.3 to extend the tenure of the petitioners who were selected and issue a circular extending their tenure to a period of one year.

Consequently, the respondent shall issue fresh order in favour of petitioners for the remaining period of six months.

The petitioner shall be entitled to salary and all other consequential benefits from the date they report for duties.

The order shall be issued by the respondent within one week.

The petition is disposed of, accordingly.

Pending application also stands disposed of.

A copy of this order be given *dasti* to learned counsel for both the parties under the signature of the Court Master.

SURESH KUMAR KAIT, J

APRIL 24, 2019

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