

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPC No. 1230 of 2020**

Dr. Anki Saluja W/o Neeraj Pal Singh Aged About 31 Years R/o Ayodhya
By-Pass, Rajeev Nagar, Bhopal, Madhya Pradesh

---- **Petitioner**

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Medical Education, Mahanadi Mantralaya, Naya Raipur, Atal Nagar, Post Office And Police Station Naya Raipur, Atal Nagar, District Raipur, Chhattisgarh
2. Director, Directorate Of Medical Education, Indrawati Bhawan, Naya Raipur, Atal Nagar, Post Office And Police Station Naya Raipur, Atal Nagar, District Raipur, Chhattisgarh
3. Dean Pt. JNM Medical College, Raipur, District Raipur, Chhattisgarh

---- **Respondents**

For Petitioner	:	Mr. B. D. Guru Advocate
For State	:	Mr. Chandresh Shrivastava, Dy. AG

Hon'ble Shri Justice P. Sam Koshy
Order on Board

15/06/2020

1. The challenge in the present writ petition is to the bond which was executed compulsorily by the respondents for serving the State of Chhattisgarh for a minimum period of two year on the completion of PG Course undertaken by the petitioner at the Pt. JNM Medical College, Raipur
2. Contention of the counsel for the petitioner is that the petitioner took admission to the PG Course i.e. MD (Pathology) in March, 2017. Counsel for the petitioner again contended that subsequent to the petitioner undertaking admission, respondent State enacted the Rules in the year 2017 which came into force on 03-04-2017 known as "Chhattisgarh Chikitsa Snatkottar Pravesh Niyam, 2017".

3. According to the petitioner the bond has been executed subsequent to the petitioner undertaking the admission, and that the Rules also was enacted subsequent to the petitioner obtaining the admission. Therefore the said rules would not be applicable and the bond which has been executed by the petitioner cannot to be said to be a valid bond and has prayed for appropriate relief in this regard from the respondents for cancelling the bond which has been executed by the petitioner.
4. Mr. Chandresh Shrivastava, Dy. AG appearing for the State pointed out that from the documents enclosed along with the writ petition it clearly reflects that till in the previous year or the rules of 2016 there was specific clause i.e. clause 12.1 wherein it has been specifically envisaged requiring the candidates who undertake PG Course from the Medical Colleges in the State of Chhattisgarh compulsorily serving the State of Chhattisgarh for a minimum period of two years and for which they have to execute the bond. That a similar bond was also required to be executed from among the candidates in the event of abandoning the course in between.
5. The contention of the learned counsel for the petitioner here is that though the course of 2016, may have a similar clause but the proforma which was executed are entirely different, there was no such condition in the bond earlier and therefore the bond executed by the petitioner is not appropriate and liable to be interfered.
6. Having heard the contentions of counsel for the parties, prima facie this Court is not convinced by the arguments of the petitioner. Firstly, for the reason that the clause/Rule of 2016 which was in force when the petitioner took admission and subsequent Rules of 2017 also has a *pari-materia* provision requiring execution of bond for those

candidates who complete the course and for those candidates who abandon the course. Thus, relief sought for by the petitioner at this juncture cannot be accepted or granted.

7. Another reason why this Court does not intend to entertain this petition is the fact that the petitioner has already executed the bond as early as on 03.05.2017. However the present writ petition is being filed for the first time in June, 2020 after more a period of about 3 years. From May, 2017 till now there was no objection whatsoever raised by the petitioner at any point of time and petitioner has admittedly executed the bond with wide open eyes and having executed the bond with wide open eyes petitioner cannot be permitted to take a U-turn after a period of 3 years. The doctrine of estoppel would apply in the case of the petitioner.
8. The opinion of this Court also stands fortified by the decision of the Supreme Court in the case of 2019(8) SCC 607 Association of Medical Superspeciality Aspirants And Residents and Ors Vs. Union of India and Ors.
9. The writ petition on these grounds is not sustainable and same deserves to be and accordingly stands dismissed.

Sd/-
(P. Sam Koshy)
Judge