

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 1351 of 2021

1. Prasoon Pallawa Sharma, S/o. Shesh Narayan Sharma, Aged About 25 Years, R/o. Village Krishnapur, District Surajpur, Chhattisgarh
2. Afreen Rahmani, D/o. A.S. Rahmani, Aged About 24 Years, R/o. Tarbahar, District Bilaspur, Chhattisgarh

---- Petitioners

Versus

1. State Of Chhattisgarh, Through Secretary, Health And Family Welfare Department, Mahanadi Bhawan, Atal Nagar, Raipur, District Raipur, Chhattisgarh
2. Director, Directorate Of Health Services, Indrawati Bhawan, Atal Nagar, Naya Raipur, District Raipur, Chhattisgarh
3. Director, Directorate Medical Education, Old Nurses Hostel, D.K.S. Bhawan, District Raipur, Chhattisgarh
4. Commissioner, Directorate Medical Education, Old Nurses Hostel, D.K.S. Bhawan, District Raipur Chhattisgarh
5. Pandit Deendayal Upadhyay Memorial Health Science And Ayush University Of Chhattisgarh, Through Registrar, Sector 40, Uparwara Naya Raipur, Raipur, Chhattisgarh
6. Late Baliram Kashyap Memorial Government Medical Collage, Through The Dean, Late Baliram Kashyap Memorial Government Medical Collage, Dimrapal, Jagdalpur, Chhattisgarh

---- Respondents

For Petitioners	:	Shri Anoop Majumdar, Advocate
For State	:	Shri Aditya Tiwari, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

05.03.2021

Heard

1. Learned counsel for the petitioners submits that while the petitioners were admitted to the course of MBBS, a bond was executed according to the Chhattisgarh Chikitsa, Dant Chikitsa Avam Bhoutik Chikitsa (Physiotherapy) Snatak Pravesh Niyam, 2018 (*for short the Rules 2018*). After passing out of the MBBS, they were to serve two years in rural area and one of the condition of the rules envisage that after completion of the degree of MBBS, within six months, the appointment

would be made and in absence of any appointment the bond would automatically come to an end as per Rule 10(A)(6) of the Rules, 2018. He would submit that the communication dated 24.07.2020 would show the name of the petitioners were sent to the Director, Directorate Medical Education requiring their appointment to be posted in the rural area. However, the appointment order was never issued though in respect of the similarly placed other Doctors the appointment letters were issued. He would submit as per Rule 10(A)(6), the petitioners would be exonerated to fulfill the bond condition as no appointment order was issued at the behest of the State within specified time. It is further submitted that under the circumstances, the petitioners have made representations to the Commissioner, Health & Family Welfare to issue No Objection Certificate so that they can prosecute their higher studies and the degree of the MBBS which had effect of interim one may be conferred permanent.

2. After perusal of the Rule 10(A) (1), (3) & (6) of the Rules of 2018 and the communication dated 24.07.2020 (Annexure P-3) would show the petitioners name were sent for appointment to be posted in the rural area but as appears no appointment order were issued. It appears that the petitioners were not given any posting, consequently the representations which have been filed by the petitioners i.e. Annexure P-7, which appears to have been sent on 27.01.2021, the Commissioner, Health & Family Welfare is directed to decide the same within a period of 45 days.

3. With the aforesaid observation, the petition stands disposed off.

Sd/-
(Goutam Bhaduri)
Judge

Aks