

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20553 of 2021

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1. Dr. Ranjeet Kumar Son of Late Suraj Ram Resident at New Paharpur, Behind Police Colony, D- Sector, Post Office- Anisabad, Police Station- Gardanibagh, District- Patna, Bihar- 800002.
 2. Dr. Jaynath Kumar Son of Late Raghuni Ravidas Resident of Village- Jalalpur (Medma), Post Office- Medma, Police Station- Karai Persurai, District- Nalanda, Bihar- 801304.
 3. Dr. Santosh kumar Son of Sri Arun Kumar Singh R/o Village- Khaira, Post Office- Khaira, Police Station- Haveli Kharagpur, District- Munger, 811213.
 4. Dr. Achhaybar Kumar Mishra Son of Shri Awadesh Mishra R/o Village- Puraina, Post Office- Maheshpur, Police Station- Majha, District- Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Health Department, Government of Bihar, Vikash Bhawan, New Secretariat, Patna.
2. The Principal Secretary, Health Department, Government of Bihar, Vikash Bhawan, New Secretariat, Patna.
3. The Joint Secretary to the Government, Health Department, Government of Bihar, Vikash Bhawan, New Secretariat, Patna.
4. The Principal, Patna Medical College and Hospital, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Sanjeet Kumar, Adv.
For the Respondent/s : M/sRavi Kumar & Akshay Lal Kumar,
ACs to GP XIII

CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA

ORAL ORDER

3 16-11-2022 Heard the parties.

2. The matter comes upon an interlocutory application (I.A. No. 2 of 2022) filed by one of the petitioners, petitioner no. 3 (Dr. Santosh Kumar) stating that the petitioner along with other writ petitioners has challenged that the condition for executing the bond of serving under the Bihar Government for



three years to the tune of Rs.25,00,000/- on the ground that the petitioners are those candidates who were admitted under the in-service quota while working with the Central Government or its other authorities or it's Corporations, namely, SAIL, ESIC and CGHS.

3. Learned counsel submits that the bond to serve under the Bihar Government is impractical for in-service candidates who are serving with the Central Government or its different corporations as above, while the petitioners are ready to join back after completing the PG course to their respective Corporations where they were working to join the PG course. They can not be asked to join with the Bihar Government.

4. Learned counsel further submits that so far as petitioner no. 3 is concerned, he has been selected for DNB course at ESIC Model Hospital, A3, Section-24, Noida, Uttar Pradesh 201 301 in subject of Ophthalmology. It is stated that the petitioner has already completed his PG course but his original documents have not been released on account of litigation. He prays that provisionally the original documents of the petitioner may be released so that he may pursue his DNB course subject to the final disposal of this writ petition.

5. Learned counsel appearing for the respondents has already filed a counter affidavit to the writ petition and therefore the case was heard finally on merits too. Since this Court does



not deem it appropriate to create further complications and it is always appropriate to decide such matters finally.

6. The condition of submitting a bond for joining service with the State Government after the completion of PG course is applicable to the students admitted against State quota. The purpose is those doctors who have already taken the benefit of State quota reservation and have worked with the State Government should return back to the State Government and continue their services, after having done the PG course.

However, in the present case, there is a slight distinction, while the petitioners have been admitted under the State quota, they were working under the Central Government organizations and benefit of State quota reservation has been extended to them.

7. In the circumstances, if a bond is required to be taken from such candidates, question arise whether such a condition can be laid down in the bond that after completing their PG course they will serve with the Bihar Government as they are already in service with the Central Government Corporations from where they have taken study leave.

8. If the challenge to the bond is accepted, the same would result in such doctors from being relieved of obligation to return back to their organizations of the Central Government and the very purpose of State quota reservation would stand



defeated. The purpose of providing State quota reservation was essentially to those doctors who may take higher qualifications and serve the people of the State.

9. Keeping in view the said aspect, the condition of bond has to be harmoniously read down to mean as a condition that the candidate who is admitted under the State quota shall serve the respective Government or its organizations after completing their PG course. It would also mean the other Governments or its organization apart from Bihar under which the candidate was serving prior to joining the PG course. Reading it such, would subserve the purpose of the bond and also the purpose of providing State quota reservation.

10. Keeping in view thereto, this Court holds that State Government is entitled to put a condition or bond to the State quota and PG students for doing service in Government after they have completed their PG course. However, such service would be with respect to the same organizations where they were working prior to joining the PG course.

11. In other words, petitioners or similarly placed doctors, who have been working with the organizations of the Central Government, namely, SAIL, ESIC and CGHS etc. would have to join back to the respective organizations after they complete their PG course failing which the amount as mentioned in the bond shall be forfeited and recovered from



such doctors.

12. So far as the specific prayer made by petitioner no. 3 in the interlocutory application is concerned, keeping the view what has been stated above, since the petitioner no. 3 has completed his course and has also submitted a bond along with other petitioners, his original documents shall be released for the purpose of further studies after he has completed his PG course by the respondent no. 4. It is made clear that the petitioner no. 3 would be allowed to produce those documents before the concerned hospital for the purpose of joining DNB course. It is also made clear that all the petitioners would have to submit their joining to their respective organizations. Their joining report shall be made available to the Government of Bihar for the purpose of satisfying the condition of bond. If such document is produced before the Government of Bihar, the Government of Bihar shall not take any further steps for forfeiture of the bond amount.

13. With the aforesaid observations and directions, the interlocutory application and the writ petition stand disposed of with direction for release the document forthwith.

(Sanjeev Prakash Sharma, J)

Shamshad/-
Item No. 6

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