



**102 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CWP-4209-2026 (O&M)
Date of Decision:18.03.2026**

DR GAJENDER SINGH

....PETITIONER(S)

VERSUS

STATE OF HARYANA AND OTHERS

....RESPONDENT(S)

**CORAM:- HON'BLE MR. JUSTICE ASHWANI KUMAR MISHRA
HON'BLE MR. JUSTICE ROHIT KAPOOR**

Present: Mr. Lalit Kumar Narang, Advocate
for the petitioner.

Mr. Pankaj Middha, Addl., AG, Haryana
for respondent No.1-State of Haryana.

Mr. Sanjeev Kaushik, Addl., AG, Haryana with
Mr. Rohit Kaushik, Advocate and
Mr. Divyanshu Kaushik, Advocate
for respondent No.2-PGIMS.

ASHWANI KUMAR MISHRA, J. (Oral)

1. The petitioner is a doctor working in PGIMS, Rohtak. He wishes to pursue higher education and has applied for the grant of No Objection Certificate (NOC) from the State to be admitted to a postgraduate medical course as an in-service doctor. Such a prayer of the petitioner has been declined by the State *vide* the impugned order. Aggrieved by such order, the petitioner is before this Court.

2. It transpires that there is a policy framed by the State which permits in-service doctors to pursue higher education in the medical field. This policy is available to doctors of the Health Department of the State as well as to the regular doctors of PGIMS.

3. The respondents, however, have filed a reply and justified

their position on the ground that the petitioner is a Medical Officer deputed in the Trauma Centre, where medical services are to be provided. As per the reply, there are 13 posts of doctors, against which only 8 persons are working, and an additional 2 persons have been engaged on a contractual basis. It is the case of the respondents that the necessity of work in emergency duty would be compromised if available doctors are relieved for pursuing higher qualifications.

4. In the replication, it is urged that three vacant posts were advertised and selections have been made.

5. Learned State counsel, on instructions, submits that in the latest recruitment exercise, only two persons have been appointed, and there still remains a vacancy for the post of one doctor.

6. Though there exists a policy allowing in-service doctors to pursue higher medical education courses, that in itself would not justify this Court issuing a direction in favour of the petitioner when the State is able to demonstrate that emergency medical services would be compromised by such an order. It remains undisputed that the petitioner is working in the Trauma Centre, where emergency services are to be provided. The State is already short of Medical Officers. In such circumstances, the decision of the State not to allow the petitioner to pursue a higher education course as an in-service candidate cannot be said to be arbitrary or unreasonable.

7. We find that the State has acted consistently, and there is otherwise no plea of discrimination, etc., in denying such permission to

the petitioner. As an employer, the State would be justified in assessing its own working and requirements while considering the prayer of a doctor to pursue higher medical studies. Predominant public interest, therefore, persuades us not to issue any direction in favour of the petitioner.

8. In that view of the matter, the instant writ petition is *dismissed*.

9. It is, however, clarified that in the next academic session, if there are a sufficient number of doctors available, the petitioner would be at liberty to apply, and his candidature shall be dealt with without being prejudiced by the present order.

10. All pending miscellaneous application(s), if any, also stand disposed of.

[ASHWANI KUMAR MISHRA]
JUDGE

[ROHIT KAPOOR]
JUDGE

MARCH 18, 2026
Rahul Joshi

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| 1. Whether Speaking/reasoned | Yes |
| 2. Whether Reportable | No |