HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR

S.B. Civil Writ Petition No. 18395/2026
CNR: RJHC010785362026 | URN: CW / 31776U / 2026

Dr. Asha Meena W/o Shri Mahadev Meena, Aged About 33 Years, Resident Of Gudha Nathavatan, Seenti, Bundi.

----Petitioner

Versus

1. State Of Rajasthan, Through The Principal Secretary, Department Of Medical And Health Services, Government Of Rajasthan, Jaipur.
2. Joint Secretary, Department Of Medical And Health Services (Group-2), Secretariat, Jaipur.
3. Commissioner, Dept. Of Medical Education, Medical Education Bhawan, Govind Marg, Jaipur.
4. The Director (Public Health), Department Of Medical And Health Services, Directorate, Health Bhawan, Jaipur.
5. Chief Medical And Health Officer, Kota.
6. Principal And Controller, Govt. Medical College Kota.

----Respondents

For Petitioner(s) : Mr. Kailash Choudhary
For Respondent(s) : Mr. Tanuj

HON'BLE MR. JUSTICE YOGENDRA KUMAR PUROHIT

Order

10/08/2026

1. Counsel for the petitioner submits that in a writ petition being SBCWP No.2936/2026: Dr. Nidhi Punia v. State of Rajasthan & Ors., involving identical controversy, this Court while issuing notices to the respondents has granted interim order on 11.02.2026.

2. Learned counsel for the petitioner submits that the petitioner is holding the post of Medical Officer and after completing PG course as an in-service candidate, the petitioner filled an application to undergo Senior Resident Course, as he is desirous of having the post of Assistant Professor for which the teaching and research experience includes one year Senior Residence in concerned subject in a permitted Medical College after acquiring the course of MD/MS. He also submits that an online application form for one year Senior Residency Course pursuant to notification dated 31.10.2025 and he has been declared selected for one year Senior Residency Course vide order dated 03.02.2026 and the petitioner is required to give him joining. However, despite his selection on merit, the respondents have failed to relieve the petitioner, thereby placing his career progression and academic advancement in serious jeopardy.

3. Learned counsel for the respondent submits that posting of the petitioner was made in public interest and administrative exigency. He submits that around 450 Doctors are selected for Senior Residency Course and about 800 Doctors are selected for Post Graduation and relieving all Doctors simultaneously would seriously affect the Health Services. However, except for a bald assertion, no concrete data or material has been placed on record to substantiate the alleged acute shortage of doctors.

4. Contrary to the submissions of counsel for the respondents, learned counsel for the petitioner submits that marks acquired in the NEET-PG examination are taken into consideration for the purpose of getting selected in the Senior Residency Course and for preparing the merit list. He submits with grit that in the current

circumstances the petitioner has acquired the appropriate merit to undergo the Senior Residency Course and in case the respondents do not permit him to join the same, the petitioner will suffer irreparable loss and injury, which can not be compensated at the later stage.

5. While drawing the attention of the Court, the counsel for the petitioner submits that the respondents vide circular dated 05.07.2022 have issued certain directions and in light of direction No.4, the candidate upon selection in the examination/interview or other educational activities, PG, DNB and other higher studies courses etc., will be relieved from the Control Officer and will join the post. He submits that despite the said circular the respondents are not relieving the petitioner to join the said Course. Prima facie, the action of the respondents in not relieving the petitioner appears to be contrary to their own policy decision.

6. At this stage, this Court is also guided by the constitutional perspective governing the issue. As rightly observed by the Hon’ble Supreme Court in Dr. Rohit Kumar v. Secretary, Office of Lt. Governor of Delhi & Ors. (Civil Appeal No. 2739 of 2021), doctors with advanced qualifications are an asset not only to the medical fraternity but also to society at large. After completion of the course, such doctors return to serve the cause of public health with enhanced skill and expertise.

7. Therefore, refusal of study leave or denial of permission to join a higher or career-advancement course solely on the ground of administrative inconvenience or a temporary shortage, without striking a balance between the constitutional rights of the petitioner and the long-term public interest, cannot be sustained

in law. Advancement in medical education ultimately strengthens the public healthcare system itself.

8. In view of the above facts and circumstances, matter requires consideration.

9. The sole reason assigned by the respondents for refusing to relieve the petitioner is that relieving multiple doctors simultaneously would severely disrupt healthcare services, however, apart from a mere assertion, no concrete data or material has been placed on record to substantiate the alleged acute shortage of doctors.

10. Considering the imminent last date of joining and the irreparable prejudice that would be caused to the petitioner, the respondents are directed to relieve the petitioner latest by 11.08.2026 and permit the petitioner to join the Senior Residency Course pursuant to the allotment letter dated 03.02.2026 (Annex.5).

11. Thus, in view of the above, the writ petition stands **disposed of** accordingly. Pending application(s), if any, also stand disposed of.

(YOGENDRA KUMAR PUROHIT),J

88/Sombeer Singh