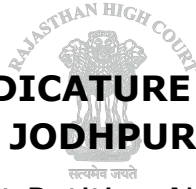




**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**



S.B. Civil Writ Petition No. 7370/2026

1. Dr. Prahlad Kachhawaha S/o Shri Amrit Lal, Aged About 35 Years, Resident Of Shree Ram Bharose Nagar, Nayapura Choukhan, Jodhpur.
2. Dr. Rahul Bariya S/o Shri Amrit Pratap Bariya, Aged About 34 Years, Resident Of Shivpura, Post- Handi, Teh- Gangartalai, Banswara.
3. Dr. Hansraj Singh Rajpurohit S/o Shri Ram Singh Rajpurohi, Aged About 35 Years, Resident Of Vpo- Lakha, Teh. Fatehgarh, District Jaisalmer.
4. Dr. Ashok Kumar Choudhary S/o Shri Gabdu Ram, Aged About 33 Years, Resident Of Vpo Khera, Teh Bansur, Dist. Kotputli- Behror.
5. Dr. Deepak Naragn S/o Shri Prakash Narang, Aged About 35 Years, Resident Of A- 126 First Floor, Apna Ghar Shalimar Extension, Alwar.
6. Dr. Bhinwa Ram Yadav S/o Shri Shri Goru Ram Yadav, Aged About 34 Years, Resident Of Vpo- Phootala, Teh- Shrimadhopur, Sikar.
7. Dr. Vipin Kumar Kasana S/o Shri Ram Singh, Aged About 30 Years, Village Rorasar, Post - Tatija, The Khetri, Dist.- Jhunjhunu.
8. Dr. Chandra Pal S/o Shri Vijay Pal Samota, Aged About 33 Years, Resident Of Ward No. 03, Vill.- Pujari Ka Bas, Via- Jajod Kheri, Teh- Khandela, Dist- Sikar.
9. Dr. Priya Choudhary D/o Shri Anil Kumar Choudhary, Aged About 30 Years, Resident Of J-1, Gandhi Nagar, Nyay Path, Japur.
10. Dr. Kuldeep Verma S/o Sona Ram Verma, Aged About 38 Years, Resident Of Vpo Bhainslana, Teh- Kotputli, Dist- Kotputli Behror.
11. Dr. Kamlesh Kumar Beniwal S/o Richhpal Singh Beniwal, Aged About 38 Years, Resident Of Vpo- Abhawas, Teh- Reengas, Sikar.
12. Dr. Subhash Kumar Dhayal S/o Shri Govind Ram, Aged About 37 Years, Resident Of Village Post Sawlodha Dhayalan, The. Dhod, District Sikar.





----Petitioners

Versus

1. State Of Rajasthan, Through The Principal Secretary, Department Of Medical Education, Government Of Rajasthan, Jaipur
2. State Of Rajasthan, Through The Principal Secretary, Department Of Medical And Health Services, Government Of Rajasthan, Jaipur
3. Joint Secretary, Department Of Medical And Health Services (Group-2), Secretariat, Jaipur.
4. Commissioner, Dept. Of Medical Education, Medical Education Bhawan, Govind Marg, Jaipur.
5. The Director (Public Health), Department Of Medical And Health Services, Directorate, Health Bhawan, Jaipur.
6. The Chairman, M.d./m.s./d.m./m.ch., Candidates Allotment Board-2025, Sms Medical College, JIn Marg, Jaipur.

----Respondents

For Petitioner(s) : Mr. Kailash Choudhary
For Respondent(s) : Mr. Tanuj Jain for
Mr. Mukesh Dave.

HON'BLE DR. JUSTICE NUPUR BHATI

Order

02/04/2026

1. The instant writ petition has been filed with the following prayers:

1. By way of appropriate writ, order or direction; the respondent the impugned notification 24.03.2026 and seat matrix dated 27.03.2026 (Annexure-10) may kindly be quashed and set aside.
2. By way of appropriate writ, order or direction; the respondent Chairman may kindly be directed to not to include the seats of senior residents allotted to the petitioners in any round of SR allotment process for Broad Speciality In-service candidates 2022.
3. By way of appropriate writ, order or direction; the respondent Medical and Health Department may kindly be





directed to give posting to the petitioners and thereafter, relieve the petitioners for joining the post of Senior Resident in the respective medical college in pursuant to the order dated 04.02.2025.

4. By way of appropriate writ, order or direction; the respondent Medical Education Department may kindly be directed to allow the petitioners to join on the post of Senior Resident in the respective Medical Colleges."

2. Counsel for the petitioners submits that in similar controversy being **SBCWP No.4685/2026 : Dr. Vimla Kumawat v. State of Rajasthan & Ors.**, this Court vide order dated 24.02.2026, has granted interim relief while issuing notices.

The said order is reproduced hereunder:

"1. 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 she 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 she has been declared selected for one year Senior Residency Course vide order dated 28.01.2026 and the petitioner is required to give her joining on or before 24.02.2026 as the last date has been extended further. However, despite her selection on merit, the respondents have failed to relieve the petitioner, thereby placing her career progression and academic advancement in serious jeopardy.

2. Learned counsel for the respondent submits that reply has been filed yesterday and specific averment has been taken in the reply that posting of the petitioner was made in public interest and administrative exigency. He submits that in the reply it has been indicated 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.

3. 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 her to join the same, the petitioner will suffer irreparable loss and injury, which cannot be compensated at the later stage.4. 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.

5. 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.

6. 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.

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

8. Issue notice of the writ petition along with stay application to the respondents, returnable within a period of four weeks.

9. In the meanwhile, 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 tomorrow i.e. 25.02.2026 and permit her to join the Senior Residency Course pursuant to the allotment letter dated 28.01.2026(Annex-6)."

3. Counsel for the petitioners further submits that the respondents on one hand have not relieved petitioners to join Senior Residency Course and on the other hand, the post which has been allotted to the petitioners have also been reflected in the





second round of counseling, as is evident from the Notification dated 24.03.2026 as well as seat matrix dated 27.03.2026, appended along with it (Annex.10).

4. Thus, in view of the submissions made and in order to maintain parity with the interim orders already passed by this Court, the respondents are directed to relieve petitioners forthwith so as to enable them to join respective college for the purpose of Senior Residency Course pursuant to the order dated 04.02.2026 (Annex.4), subject to the condition that last date of joining is extended by the respondents or that the respondent-Department of Medical and Health, permits the same otherwise.

5. The post which has been allotted to the petitioners in the respective colleges, shall be kept vacant for the petitioners.

6. With the aforesaid direction, the instant writ petition stands disposed of. Stay application as well as all other pending applications, if any, also stand disposed of.

(DR.NUPUR BHATI),J

166-/Devesh/-

