



**IN THE HIGH COURT OF MADHYA PRADESH
AT GWALIOR
BEFORE**

HON'BLE SHRI JUSTICE G. S. AHLUWALIA

WRIT PETITION No. 342 of 2025

MAYANK NAGAIZ

Versus

STATE OF MADHYA PRADESH AND OTHERS

Appearance:

Shri Krishna Kant Shrivastava – Advocate for petitioner.

Shri G.K. Agrawal- Government Advocate for respondents/State.

Reserved on: 09/01/2025

Pronounced on: 21/01/2025

ORDER

This petition, under Article 226 of the Constitution of India, has been filed seeking following reliefs :-

7.1 प्रतियाचिकाकर्तागण को आदेशित/निर्देशित किया जावे कि याचिकाकर्ता के द्वारा चिकित्सीय आधार पर प्रस्तुत अवकाश आवेदन पत्र स्वीकृत कर दिनांक 01.02.2023 से 19.07.2023 तक का वेतनमान प्रदान किये जाने के आदेश पारित करें।

7.2 प्रतियाचिकाकर्तागण को आदेशित किया जावे कि याचिकाकर्ता के द्वारा प्रस्तुत किये गये चिकित्सीय प्रमाण पत्रों को स्वीकार कर चिकित्सीय अवकाश प्रदान किये जाकर वेतनमान का भुगतान प्रदान किये जाने के आदेश पारित



करें।

7.3 प्रतियाचिकाकर्तागण को आदेशित किया जावे कि याचिककर्ता के द्वारा प्रस्तुत आवेदन पत्र निश्चित समय सीमा में निराकरण के आदेश पारित करें।

7.4 अन्य कोई आदेश/निर्देश माननीय न्यायालय जो उचित समझे जारी किया जावे।

2. It is the case of petitioner that wife of petitioner is suffering from Cancer. Petitioner as well as his wife are suffering from various diseases, therefore, the petitioner was on leave from 01.02.2023 till 19.07.2023. He has filed an application for sanction of Medical Leave but no decision has been taken so far and accordingly, petition with aforesaid reliefs has been filed.

3. Heard the learned counsel for the parties.

4. Petitioner has filed certain medical documents to show that on 01.02.2023, 01.03.2023, 01.04.2023, 01.05.2023, 02.06.2023 and 01.07.2023, he was treated as an Out-patient in J.A.Group of Hospitals,Gwalior as well as he was treated by Dr. Vatsalya Trivedi posted as Medical Officer, J.A. Group of Hospitals Gwalior. Counsel for petitioner was directed to point out as to whether Dr. Vatsalya Trivedi is competent to carry out private practice because she is already posted as Medical Officer in J.A. Group of Hospitals, Gwalior. Counsel for petitioner was not in a position to answer that query. Why the petitioner was approaching the doctor on 1st of every month has also not been clarified because it is clear from the prescriptions that medicines were provided either from seven days or ten days. Since the very authority of Dr. Vatsalya Trivedi to carry out private practice and to issue prescriptions is in doubt, therefore, it is directed that CMHO shall conduct an inquiry as to whether Dr. Vatsalya Trivedi who was posted as Medical Officer, J.A. Group of Hospitals, Gwalior was competent to carry out private practice or not?

5. So far as application filed by petitioner for sanction of medical leave is



concerned, under the facts and circumstances of the case, it is directed that only after verifying the genuineness and correctness of prescriptions relied upon by counsel for petitioner as well as disease of petitioner, the respondents shall decide his application.

6. Needless to mention that this Court has not endorsed that the prescriptions relied upon by the petitioner as correct, therefore, the direction to decide the application should not be construed as a direction to allow the application. Respondents are free to decide the application in accordance with law, without getting influenced or prejudiced by this order.

7. With aforesaid observations, the petition is finally *disposed of*.

(G.S. Ahluwalia)
Judge

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