

**IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE**

BEFORE

HON'BLE SHRI JUSTICE VIVEK RUSIA

ON THE 22nd OF JANUARY, 2024

WRIT PETITION No. 1590 of 2024

BETWEEN:-

**DR. MANISHA AGARWAL D/O YOGESH AGARWAL, AGED ABOUT 29
YEARS, OCCUPATION: DOCTOR, R/O 19, KRISHNA NAGAR, BHARATPUR
(RAJASTHAN)**

.....PETITIONER

**(BY MS. BHAKTI VYAS, ON BEHALF OF SHRI LOKENDRA JOSHI,
ADVOCATE.)**

AND

- THE STATE OF MADHYA PRADESH THROUGH PRINCIPAL**
- 1. SECRETARY, MEDICAL EDUCATION DEPARTMENT, VALLABH
BHAWAN, BHOPAL (MADHYA PRADESH)**
 - 2. DIRECTOR, DEPARTMENT OF MEDICAL EDUCATION, SATPURA
BHAWAN, BHOPAL (MADHYA PRADESH)**
 - 3. COMMISSIONER, HEALTH SERVICES, SATPURA BHAWAN, BHOPAL
(MADHYA PRADESH)**
 - 4. DEAN, MGM COLLEGE, INDORE (MADHYA PRADESH)**

.....RESPONDENTS

(BY SHRI RAJWARDHAN GAWDE, GOVERNMENT ADVOCATE.)

WRIT PETITION No. 1593 of 2024

BETWEEN:-

**DR. VAHAGURU SHARAN BATHIJA S/O SATGURU SHARAN BATHIJA,
AGED ABOUT 30 YEARS, OCCUPATION: DOCTOR, R/O H. NO. 7 BHARUT
NAGAR RAGHURAJ NAGAR SATNA (MADHYA PRADESH)**

.....PETITIONER

(BY MS. BHAKTI VYAS, ADVOCATE.)

AND

- THE STATE OF MADHYA PRADESH THROUGH PRINCIPAL
1. SECRETARY, MEDICAL EDUCATION DEPARTMENT, VALLABH BHAWAN, BHOPAL (MADHYA PRADESH)
 2. DIRECTOR, DEPARTMENT OF MEDICAL EDUCATION, SATPURA BHAWAN, BHOPAL (MADHYA PRADESH)
 3. COMMISSIONER, HEALTH SERVICES, SATPURA BHAWAN, BHOPAL (MADHYA PRADESH)
 4. DEAN, INDEX MEDICAL COLLEGE, INDORE (MADHYA PRADESH)

.....RESPONDENTS

(BY SHRI RAJWARDHAN GAWDE, GOVERNMENT ADVOCATE.)

WRIT PETITION No. 1594 of 2024

BETWEEN:-

DR. JITHA SHAJU D/O SHAJU GEORGE, AGED ABOUT 29 YEARS,
OCCUPATION: DOCTOR, R/O 41, SHREE KRIPA APARTMENT, GREATER
TIRUPATI COLONY, GEETA NAGAR, INDORE (MADHYA PRADESH)

.....PETITIONER

(BY MS. BHAKTI VYAS, ADVOCATE.)

AND

- THE STATE OF MADHYA PRADESH THROUGH PRINCIPAL
1. SECRETARY, MEDICAL EDUCATION DEPARTMENT, VALLABH BHAWAN, BHOPAL (MADHYA PRADESH)
 2. DIRECTOR, DEPARTMENT OF MEDICAL EDUCATION, SATPURA BHAWAN, BHOPAL (MADHYA PRADESH)
 3. COMMISSIONER, HEALTH SERVICES, SATPURA BHAWAN, BHOPAL (MADHYA PRADESH)
 4. DEAN, MGM COLLEGE, INDORE (MADHYA PRADESH)

.....RESPONDENTS

(BY SHRI RAJWARDHAN GAWDE, GOVERNMENT ADVOCATE.)

This petition coming on for orders this day, the court passed the following:

ORDER

Regard being had to the similitude in the controversy involved in the present cases, with the joint request of the parties, these petitions are finally heard and being decided by this common order. Facts of Writ Petition No.1590 of 2024 are narrated hereunder:

02. The petitioner has filed the present petition seeking quashment of the order dated 09.01.2024 whereby he / she has been directed to undergo one year rural posting after obtaining the degree of Post-Graduation. After obtaining the Degree of M.B.B.S., the petitioner got the admission on the medical post graduate post under the M.P. Autonomous Medical and Dental Post Graduate Courses (Degree / Diploma) Admission Rules, 2017 (for brevity “Rules of 2017”) in MGM Medical College.

03. As per Rules of 2017, the petitioner submitted a bond of Rs.10 Lakhs as a pre-condition of admission to the PG Course to serve in a rural area for one year for which the posting order shall be issued by respondent No.3. The petitioner successfully completed the PG degree course and the result was declared on 17.08.2023. According to the petitioner, under the Rule 12 of Rules of 2017, the respondent No.3 was required to issue a posting order within 3 months failing which she is discharged from the bond to serve one year rural posting.

04. Ms. Bhakti Vyas, learned counsel for the petitioner submits that admittedly the respondent No.3 issued a posting order of the petitioner after lapse of more than 3 months, therefore, now the respondents cannot compel her to execute the bond for service in a rural area. In support of her contention she has placed reliance on a judgment passed

by this Court in *Writ Petition No.13445 of 2018 (Dr. Rahul Mittal V/s State of M.P. and others)* decided on 18.04.2022 in which also the posting order was not issued within 3 months and the Division Bench of this Court has held that the shelf life of the bond is only 3 months and the petitioner therein is entitled for returning of original document and issuance of NOC. In compliance of Rule 12 of Rules of 2017 she submitted a bond of Rs.10 Lakhs to give one year service in the rural area. Rule 12 of Rules of 2017 is reproduced below:

12. Bonds

(a) Rural Service Bands:-

(i) Candidate will have to submit a bond (Proforma-3) as per the instructions of M.P. Government of graduate degree (MD/MS/MDS) and 10.00 lakh (Ten lakh) for post 8.00 lakh (Eight lakh) for diploma course for serving under the state government in a notified area for one year after completing P.G. Degree/Diploma course. All Deans of Govt. Autonomous Medical/Dental Colleges will provide the list of such candidate to the Commissioner, Health services, Public Health & Family Welfare Department of State Government who are appearing for post graduate examination from their institute at least three months prior to the start of examination. They will also provide the list of successful P.G. candidates within 15 days from the date of declaration of the examination results. The Commissioner, Health services will issue appointment orders to such successful candidates within three months after declaration of result.

(ii) According to Madhya Pradesh Government, Department of Medical Education, Mantralaya order No. F4-7/2010/1/55 dated 25/08/2010, the graduate/postgraduate students selected on the post of Assistant Professors / Senior Resident Junior Resident / Demonstrator, in Government Autonomous Dental Medical Colleges under the Department, shall be released from the rural service bond /bond to work in notified area with the condition that bank guarantee will be 3 years for degree candidates and 2 years for diploma candidates. On submission of bank guarantee, the original documents will be returned. After completing higher studies, it is necessary for the student to complete the prescribed or remaining rural service. After completing the specified rural service, the bank guarantees will be returned. The bank guarantees will be forfeited if the rural service is not completed within one month period prior to the validity of the bank

guarantee. Format of bank guarantee will be prescribed by Commissioner, Medical Education.

(b) Seat leaving bond:-

(i) At the time of admission on the allotted seat through All India quota, candidate has to submit an affidavit (Proforma-5), stating that he/she will complete the course and will execute a seat leaving bond, stating that if he/she resigns from the seat after the last date of last round of M.P. State combined P. G. counselling-2017 or thereafter and before the completion of the course or is expelled from course due to any reason after admission, he/she will have to deposit 10 lakhs as penalty in the Govt. Autonomous society account of concerned college. This amount can be recovered as arrears of land revenue and only after the recovery of this amount original documents will be returned to the candidate. In addition such admitted candidates in Degree/ Diploma course will not be eligible for next 3 years for admission in P.G. seats in case of Degree Course and for next 2 years in case of Diploma Course from the date of resignation/ expulsion.

(ii) At the time of admission on the allotted seat through State quota, candidate has to submit an affidavit (Proforma-5), stating that he/she will complete the course and will execute a seat leaving bond stating that if he/she resigns from the seat after the last date of last round of M.P. State combined P. G. counselling-2017 or thereafter and before the completion of the course or is expelled from course due to any reason after admission, he/she will have to deposit 10 lakhs as penalty in the Govt. Autonomous society account of concerned college. This amount can be recovered as arrears of land revenue and only after recovery of this amount original documents will be returned to the candidate. In addition such admitted candidates in Degree/ Diploma course will not be eligible for next 3 years for admission in P.G. seats in case of Degree Course and next 2 years in case of Diploma Course from the date of resignation/ expulsion

(iii) The above mentioned seat leaving bond will be applicable on the in-service candidates admitted on the allotted seats (Proforma-5).

05. The petitioner is relying on Rule 12(a)(i) of Rules of 2017 that the Commissioner Health Services will issue appointment orders to such successful candidates within three months after declaration of the result. This rule also provides that all the Deans of Government Autonomous / Dental Colleges will provide a list of the candidates to the Commissioner, Health Service from their institute at least 3 months

prior to the start of examination, they will also provide the list of successful PG candidate within 15 days from the date of declaration of result of examination. Only after receipt of the list of successful PG candidate, the Commissioner will issue the appointment order to such candidate. There is no such deeming provision in this rule that if the appointment orders are not issued within 3 months then the candidate shall be relaxed from the condition of the bond.

06. The petitioner has placed reliance on a judgment passed by this Court in case of *Dr. Rahul Mittal (supra)* in which the petitioner therein took admission under Madhya Pradesh Medical and Dental Post Graduate Course Admission Rules (Degree / Diploma), 2014 in which Rule 11 was related to submission of the bond. In the said rule there was a specific provision that the Commissioner, Health Services will issue the appointment order to such successful candidate within 3 months and after declaration of the result failing which the bond filled by the candidate will automatically be deemed as cancelled. This deeming provision is not there in Rule 12 of Rules of 2017, therefore, this judgment passed by the Division Bench will not help the petitioner as the rule in respect of the bond has undergone a substantial change.

07. The State Government in exercise of power framed the Rules of 2017 specifically made provision for undergraduate as well as post graduate students to submit a bond to serve as Doctor in rural / notified areas for one year so that the people residing in villages who are not having the adequate Medical faculty may get basic medical treatment. There is a noble intention behind taking this bond for Doctors. Before admission, the petitioner accepted this condition and submitted the

bond, hence, now he / she cannot be permitted to find out an escape to serve one year in the rural area.

08. In view of the above, Writ Petition No.1590 of 2024 stands dismissed. The order passed by this Court in the present case shall govern the connected petitions also, therefore, Writ Petition No.1593 of 2024 & Writ Petition No.1594 of 2024 are also hereby dismissed.

09. Let a photocopy of this order be kept in the connected petitions also.

(VIVEK RUSIA)
JUDGE

Divyansh