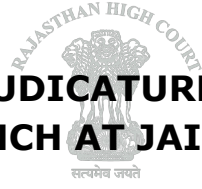




**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**



S.B. Civil Writ Petition No. 2261/2026

Dr. Vivek Labana S/o Shri Kantilal Labana, Aged About 28 Years,
R/o Village Tandamangla, Teh. Sajjangarh, Dist. Banswara, At
Present Rajasthan High Court, Jaipur-302005.

-----Petitioner

Versus

1. State Of Rajasthan, Through Its Principal Secretary, Medical Health And Family Welfare Department, Government Of Rajasthan, Government Secretariat, Jaipur-302005.
2. Chairman, M.d./m.s./d.m./m.ch Candidates Allotments Board-2025, Sms Medical College, J.I.n. Marg, Jaipur-302004
3. Principal And Controller, Rnt Medical College, Udaipur-313004.
4. Director, Medical, Health And Family Welfare Department, Government Of Rajasthan, Swasthya Bhawan, Tilak Marg, C-Scheme, Jaipur - 302005

-----Respondents

Connected With

S.B. Civil Writ Petition No. 2271/2026

Dr. Aditi Jaiman D/o Shri Subhash Chandra Sharma, Aged About
27 Years, R/o 218, Parshwnath Nagar, Airport Terminal I,
Sanganer, Jaipur-302029.

-----Petitioner

Versus

1. State Of Rajasthan, Through Its Principal Secretary, Medical Health And Family Welfare Department, Government Of Rajasthan, Government Secretariat, Jaipur-302005
2. Chairman, M.d./m.s./d.m./m.ch Candidates Allotments Board-2025, Sms Medical College, J.I.n. Marg, Jaipur-302004
3. Principal And Controller, Government Medical College, Kota-324005
4. Director, Medical, Health And Family Welfare Department,





Government Of Rajasthan, Swasthya Bhawan, Tilak Marg,
C-Scheme, Jaipur - 302005

----Respondents

S.B. Civil Writ Petition No. 2272/2026

Dr. Narendra Singh S/o Shri Sanjay Kumar, Aged About 26 Years,
R/o Village- Goth, Teh. Buhana, Dist- Jhunjhunu-333516.

----Petitioner

Versus

1. State Of Rajasthan, Through Its Principal Secretary, Medical Health And Family Welfare Department, Government Of Rajasthan, Government Secretariat, Jaipur-302005.
2. Chairman, M.d./m.s./d.m./m.ch Candidates Allotments Board-2025, Sms Medical College, J.l.n. Marg, Jaipur-302004
3. Principal And Controller, S.n. Medical College, jodhpur-342001.
4. Director, Medical, Health And Family Welfare Department, Government Of Rajasthan, Swasthya Bhawan, Tilak Marg, C-Scheme, Jaipur - 302005

----Respondents

S.B. Civil Writ Petition No. 2277/2026

Dr. Hanuman Prasad Lamba S/o Shri Gulla Ram Jat, Aged About 28 Years, R/o Village Rampura, Post Surmalikpura, Teh. Kishangarh Renwal, Dist. Jaipur- 303603

----Petitioner

Versus

1. State Of Rajasthan, Through Its Principal Secretary, Medical Health And Family Welfare Department, Government Of Rajasthan, Government Secretariat, Jaipur-302005.
2. Chairman, M.d./m.s./d.m./m.ch Candidates Allotments Board-2025, Sms Medical College, J.l.n. Marg, Jaipur-302004
3. Principal And Controller, Sms Medical College, Jaipur-302004.
4. Director, Medical, Health And Family Welfare Department,





Government Of Rajasthan, Swasthya Bhawan, Tilak Marg,
C-Scheme, Jaipur - 302005

-----Respondents

S.B. Civil Writ Petition No. 2279/2026

Dr. Keshav Chaturvedi S/o Shri Laxmi Narayan Sharma, Aged
About 28 Years, R/o In Front Of Aastha Vidyasthali School, Gomti
Colony, Near Bayan Mode, Hindaun City, Karauli- 322230.

-----Petitioner

Versus

1. State Of Rajasthan, Through Its Principal Secretary,
Medical Health And Family Welfare Department,
Government Of Rajasthan, Government Secretariat,
Jaipur-302005.
2. Chairman, M.d./m.s./d.m./m.ch Candidates Allotments
Board-2025, Sms Medical College, J.I.n. Marg, Jaipur-
302004
3. Principal And Controller, Medical College, Karauli-322241
4. Director, Medical, Health And Family Welfare Department,
Government Of Rajasthan, Swasthya Bhawan, Tilak Marg,
C-Scheme, Jaipur - 302005.

-----Respondents

S.B. Civil Writ Petition No. 2293/2026

Dr. Pradeep Payal S/o Shri Ramniwas Payal, Aged About 28
Years, R/o Village- Chirasan, Post- Loyal, Teh. Chirawa, Dist.
Jhunjhunu- 333514.

-----Petitioner

Versus

1. State Of Rajasthan, Through Its Principal Secretary,
Medical Health And Family Welfare Department,
Government Of Rajasthan, Government Secretariat,
Jaipur-302005.
2. Chairman, M.d./m.s./d.m./m.ch Candidates Allotments
Board-2025, Sms Medical College, J.I.n. Marg, Jaipur-
302004
3. Principal And Controller, Sms Medical College, Jaipur-
302004
4. Director, Medical, Health And Family Welfare Department,





Government Of Rajasthan, Swasthya Bhawan, Tilak Marg,
C-Scheme, Jaipur - 302005

-----Respondents

S.B. Civil Writ Petition No. 2294/2026

Dr. Narendra Kumar S/o Shri Moti Lal Mali, Aged About 27 Years,
R/o Village-Nokh, Teh. Bap, Dist- Phalodi, At Present Rajasthan
High Court, Jaipur- 302005.

-----Petitioner

Versus

1. State Of Rajasthan, Through Its Principal Secretary,
Medical Health And Family Welfare Department,
Government Of Rajasthan, Government Secretariat,
Jaipur-302005
2. Chairman, M.d./m.s./d.m./m.ch Candidates Allotments
Board-2025, Sms Medical College, J.I.n. Marg, Jaipur-
302004
3. Principal And Controller, S.n. Medical College, Jodhpur-
342001
4. Director, Medical, Health And Family Welfare Department,
Government Of Rajasthan, Swasthya Bhawan, Tilak Marg,
C-Scheme, Jaipur - 302005

-----Respondents

S.B. Civil Writ Petition No. 3882/2026

Dr. Archana Meena D/o Shri Bhawani Shanker Meena, Aged
About 27 Years, R/o 115, Ward No. 24, Shiv Colony, Antah,
District Baran-325202.

-----Petitioner

Versus

1. State Of Rajasthan, Through Its Principal Secretary,
Medical Health And Family Welfare Department,
Government Of Rajasthan, Government Secretariat,
Jaipur-302005
2. Chairman, M.d./m.s./d.m./m.ch Candidates Allotments
Board-2025, Sms Medical College, J.I.n. Marg, Jaipur-
302004
3. Principal And Controller, Government Medical College,





Kota, Rangbari Road, Sector - A, Rangbari, Kota - 324005.

4. Director, Medical, Health And Family Welfare Department, Government Of Rajasthan, Swasthya Bhawan, Tilak Marg, C-Scheme, Jaipur - 302005

-----Respondents

For Petitioner(s) : Mr. Rajendra Soni, Adv. with Dr. Nitin Soni, Adv.
For Respondent(s) : Mr. Archit Bohra, AGC with Mr. Rahul Verma, Adv.

HON'BLE MR. JUSTICE ANAND SHARMA

Judgment

09/03/2026

1. All the above writ petitions involve almost similar facts, cause of action and questions for consideration; hence, they were heard together and are being decided by this common order.
2. For the sake of convenience facts stated in S.B. Civil Writ Petition No. 2261/2026 are being taken into consideration.
3. Petitioners have prayed for following relief:-

“It is, therefore, respectfully prayed that this Hon'ble Court be pleased to call for the entire record relating to this case and after perusing the same be pleased to allow this writ petition and:

i) That by an appropriate writ, order or direction the action of the respondent of not relieving him from the post of M.O. for the purpose of joining as Senior Resident for which he was selected vide order dated 21.01.2026 / 24.01.2026 as per his merit of NEET PG and directed to join on or before 03.02.2026 or on any other date and allowing him to join as senior resident inspite of notice for demand of justice dated 30.01.2026 be deprecated and be set aside and the respondents be directed to allow the petitioner to join as senior resident and complete the higher educational training of senior residentship, by giving him continuity of service following circulars dated





02.04.2018, 05.07.2022 and 01.04.2025 with all consequential benefits.

ii) By an another appropriate writ, order or direction the time of joining of senior residentship in compliance of the order dated 21.01.2026 / 24.01.2026 be extended till petitioner shall be relieved from the post of M.O. and giving some time of joining as senior resident and till than the post of senior resident upon which the petitioner has been selected on the basis of merit of NEET PG be not filled in and the same be filled in by the petitioner with all consequential benefits.

iii) By an another appropriate writ, order or direction in the alternate the petitioner be given extra ordinary leave for 1 year from the post of M.O. Medical to do higher educational senior residentship training following circular dated 31.07.2020, 22.02.2021 and 24.03.2022.

iv) Any other appropriate writ, order or direction which this Hon'ble Court may deems think fit and proper be pass in favour of the petitioner.

v) Cost of the writ petition be awarded in favour of the petitioner."

4. It is stated that all the petitioners, after successfully completing M.D./M.S. course, participated for recruitment examination on the post of Medical Officer and were also appointed as Medical Officer at different places in Medical and Health Department of Government of Rajasthan.

5. It is stated that while the petitioners were undergoing probation on the post of Medical Officer, they also applied for Senior Residency in Government Colleges and were also selected as Senior Residents in different Colleges on the basis of merit secured by them in their NEET PG Classes.

6. Grievance of the petitioners is that the department is not relieving the petitioners for joining their Senior Residentship course, nor has passed any order for granting study leave/extraordinary leave for pursuing the said course. It is





submitted that without there being a proper relieving order and without granting leave as admissible under the Rules, the petitioners cannot join Senior Residentship course, otherwise they would be subjected to disciplinary action by the department.

7. Learned counsel appearing for the petitioners sought indulgence of this Court, on circular dated 02.04.2018 issued by the Deputy Secretary of Medical and Health (Group-2) Department, which lays down conditions for joining Senior Residentship, and it has been specified that only upon being relieved from the department, the respective candidate can join the Senior Residentship course.

8. Learned counsel also referred circular dated 22.02.2021 while supporting his submission that without there being any order of granting leave, Senior Residentship course cannot be joined by the petitioners. Learned counsel also refers circular dated 24.03.2022 so as to make a submission that for the purpose of pursuing higher studies or courses, extraordinary leave can be granted to the Government servants.

9. While referring memorandum dated 22.02.2021, it was pointed out by learned counsel that extraordinary leave can be granted not only for pursuing higher studies but even for participating in competitive examinations.

10. Finally, learned counsel for the petitioners refers to circular dated 05.07.2022 issued by the Secretary of Medical and Health Department, and submits that such circular is applicable on regular as well as probationer employees in the department and indicates that as per condition No.1 for pursuing any educational activities, obtaining no objection certificate is not mandatory and





also refers that extraordinary leave can be granted to the Medical Officers of the respondent-department with the rider that such extraordinary leave shall not be computable for the purpose of pension, annual grade increment and other service benefits.

11. At the strength of aforesaid circulars, the petitioners prayed for granting extraordinary leave or a study leave to the petitioners. Learned counsel also relies upon order dated 25.08.2025 passed by this Court in a batch of writ petition led by S.B. Civil Writ Petition No.12576/2025 (**Dr. Yogesh Saini Vs. State of Rajasthan & Ors.**), order dated 09.01.2025 passed by the Co-ordinate Bench of this Court in S.B. Civil Writ Petition No.61/2025 (**Dr. Prateek Verma Vs. State of Rajasthan & Ors.**) as well as other similar orders passed by the Co-ordinate Benches of this Court.

12. Learned counsel appearing for the respondents vehemently opposed the writ petitions and submitted that the Senior Residency cannot be considered to be higher education for a person holding the post of Medical Officer in Medical and Health Department and he submits that even otherwise, leave for pursuing Senior Residency can be granted only to those Medical Officers, who have completed their probation period, whereas in the instant case, the petitioners are still undergoing probation period. Learned counsel for the respondents relies upon circular dated 30.01.2019 issued by Additional Chief Secretary, Medical and Health Department.

13. Learned counsel for the respondents further submits that leave can be granted to a Government employee strictly in accordance with the Rules as well as guidelines/circulars issued by





the respondent-department and since, the petitioners are probationers and Senior Residency cannot be considered to be higher education for a Medical Officer, therefore, no mistake whatsoever has been committed by the respondents in not granting study leave or extraordinary leave to the petitioners.

14. Heard learned counsel for the parties and perused the record.

15. Facts are not disputed to the extent that all the petitioners are probationers on the post of Medical Officer and they have been selected during probation period for Senior Residency in non service category. The circulars placed on record by the petitioners, more particularly circular dated 05.07.2022 marks the procedure and entitlement for grant of leave for pursuing Senior Residency to the Medical Officer. Bare perusal of the circular would make it clear that such circular has taken care of both regular as well as probationer Medical Officers and clarifies that for the purpose of pursuing educational course, no objection certificate would not be required and further lays down the condition for relieving the Medical Officer for joining the Senior Residency, which shall be of the maximum period of 1 year and further clarifies that in case, Senior Residency once offered to a candidate, is not accepted by him, in future he shall not be permitted to join Senior Residency. The circular also makes it abundantly clear that such Medical Officers shall be entitled only for extraordinary leave, which shall not be counted for any service benefits including pension, annual grade increment and other benefits.





16. In the cases of **Dr. Prateek Verma (supra)** and **Dr. Yogesh Saini (supra)**, in the light of earlier circulars issued by the department, this Court has permitted similarly situated person for joining Senior Residentsip.

17. In the light of above, the above writ petitions filed by the petitioners are hereby allowed. The respondents are directed to immediately relieve the petitioners for joining Senior Residentsip at their respective colleges as per allotment order dated 21.01.2026. The respondents shall also pass order for granting extraordinary leave to the petitioners under the provisions of Rajasthan Service Rules, 1951 with the condition as specified in point No.4 of circular dated 05.07.2022 i.e. such extraordinary leave shall not be taken into consideration for pension, annual grade increment and other service benefits including salary. In case, any stipend is allowed during Senior Residentsip, the petitioners shall be entitled only for the same.

18. It is informed by learned counsel for the petitioners that the respondents are likely to fill up all the vacancies of Senior Residentsip, therefore, the respondents are directed to relieve the petitioners latest by 12.03.2026 and thereafter, they shall also be allowed to join Senior Residentsip course pursuant to allotment letter dated 21.01.2026.

19. Pending application(s), if any, stand(s) disposed of.

20. Copy of this order be placed in each file.

(ANAND SHARMA),J

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