
(2020) 06 UK CK 0050

In the Uttarakhand High Court

Case No : Writ Petition (S/B) No. 139 Of 2020

Dr. Abhishek Bandooni

APPELLANT

Vs

State Of Uttarakhand And Others

RESPONDENT

Date of Decision : 29-06-2020

Acts Referred:

Citation : (2020) 06 UK CK 0050

Hon'ble Judges : Ramesh Ranganathan, CJ; Ramesh Chandra Khulbe, J

Bench : Division Bench

Advocate : Vipul Sharma, K.N. Joshi

Final Decision : Disposed Of

Judgement

Ramesh Ranganathan, CJ

1. Heard Mr. Vipul Sharma, learned counsel for the petitioner and Mr. K.N. Joshi, learned Deputy Advocate General for the State of Uttarakhand-

respondents and, with their consent, the Writ Petition is disposed of at the stage of admission.

2. Facts, to the extent necessary, are that the petitioner pursued his undergraduate course in Medicine from the Medical College, Haldwani and

passed out in the year 2018. While taking admission, the petitioner signed a bond, in terms of which he was permitted to prosecute his M.B.B.S.

course at a concessional fee. The bond, however, contained a condition that the petitioner would, after completing his M.B.B.S. course, render five

yearsâ?? compulsory service, on a contractual basis, in the hilly and rural areas of the State of Uttarakhand.

3. The petitioner was granted a No Objection Certificate on 04.12.2019 to participate in the counselling for post-graduate courses. He was informed

thereby that, in case he was selected for the post-graduate course, he would then have to fulfill the conditions, stipulated in the bond executed by him

earlier, of rendering five yearsâ?? compulsory service with the State Government, after completing his post-graduate course.

4. While matters stood thus, an advertisement was issued on 20.11.2019 for appointment to the posts of Medical Officer in the State of Uttarakhand.

The petitioner, having participated in the said selection process, was issued an order of appointment. Consequent thereto, the petitioner joined at the

State Allopathic Dispensary, Government Hospital Khabau, Block Chakrata, District Dehradun as a Medical Officer on 08.04.2020.

5. Thereafter, the petitioner secured admission into the DNB Cardio-Throacic Surgery Course (a six years course) at the National Heart Institute,

New Delhi. The petitioner claims that, unless a No Objection Certificate is issued by the authorities, he cannot join the said DNB Cardio Throacic

Surgery Course.

6. The petitioner claims to have been orally informed by the clerical staff of the Director General, Medical Health and Family Welfare, Uttarakhand

that he would have to sign another bond, in addition to the earlier bond signed by him, undertaking that, after completing his DNB Cardio Throacic

Surgery Course, he would serve for another five years in the hilly and rural areas of the State of Uttarakhand.

7. Mr. Vipul Sharma, learned counsel for the petitioner, would submit that, after completing his DNB Cardio Throacic Surgery Course, he would fulfill

the conditions of the bond, which he had executed earlier to serve in the hilly and rural areas of the State of Uttarakhand for five years; and his

grievance is that, in addition to the earlier bond executed by him to render five years compulsory service in the hilly and rural areas of the State of

Uttarakhand, the respondents are now calling upon him to furnish a fresh bond to serve for an additional period of five years i.e. for a total period of

ten years.

8. Mr. K.N. Joshi, learned Deputy Advocate General appearing on behalf of the State Government, submits that the petitionerâ??s allegations are

untrue; what the petitioner has been called upon to do is to sign a fresh undertaking to fulfill the bond conditions executed by him earlier, of serving in

the hilly and rural areas of the State of Uttarakhand for a period of five years,

after he completes his DNB Cardio Throacic Surgery Course; the petitioner has not been called upon to furnish a fresh undertaking to discharge duties for any additional period, much less for ten years; and, in case he gives a fresh undertaking to complete the unexpired period of the bond executed by him earlier, to serve in the hilly and rural areas of the State of Uttarakhand, for a total period of five years, after he completes his course, he will be issued a No Objection Certificate to prosecute his DNB Cardio Throacic Surgery Course.

9. Mr. Vipul Sharma, learned counsel for the petitioner, submits that the petitioner would appear before the Director General, Medical Health and Family Welfare, Uttarakhand tomorrow i.e. 30.06.2020, and sign a fresh undertaking to fulfill the conditions of the bond executed by him earlier to serve, in the hilly and rural areas of the State of Uttarakhand, for the unexpired period of five years, after he completes his DNB Cardio Throacic Surgery Course; and the respondents be directed to issue him a No Objection Certificate forthwith on his furnishing such an undertaking.

10. We consider it appropriate, in such circumstances, to permit the petitioner to furnish a fresh undertaking before the Director General, Medical Health and Family Welfare, Uttarakhand tomorrow i.e. 30.06.2020. On such an undertaking being furnished by the petitioner, the Director General, Medical Health and Family Welfare, Uttarakhand shall forthwith issue a No Objection Certificate, in any event within one day of the petitioner furnishing such an undertaking, permitting him to prosecute his DNB Cardio Throacic Surgery Course subject to his complying with the conditions stipulated in such an undertaking after he completes his DNB Cardio Throacic Surgery Course.

11. The Writ Petition is, accordingly, disposed of. No costs.

12. Let certified copy of this order be issued to the learned counsel for the parties, on payment of the prescribed charges, today itself.