

(2011) 04 SHI CK 0367
In the High Court Of Himachal Pradesh
Case No : CWP (T) No. 15197 of 2008

Dr. Ganga Rawat Sharma	Vs	APPELLANT
The State of H.P. and Others		RESPONDENT

Date of Decision : 06-04-2011

Acts Referred:

Citation : (2011) 04 SHI CK 0367

Hon'ble Judges : V.K. Sharma, J

Bench : Single Bench

Judgement

V.K. Sharma, J.—Steps for service of Respondent No. 5 not taken.

2. The petition has been filed on the following substantive prayers vide para 7(a), (b) and (d):

7(a) Quash the impugned action of the Respondents whereby they are not allowing the applicant to appear for the written test of Registrarship (Biochemistry) being held on 29.06.2007 and not issuing roll number, being arbitrary, malafide and illegal.

(b) Direct the Respondents to issue roll number to the applicant and allow her to appear for written test/via of the registrarship (Bio-chemistry) being held on 29.06.2007 or any subsequent date and declare her result if otherwise found fit.

(d) Quash the impugned action of the Respondents whereby they have not selected and appointed the applicant on the pretext of being second timer being illegal and arbitrary and quash the appointment of the Respondent No. 5 and direct the Respondent department to select and appoint the applicant with all the consequential benefits.

3. In reply, Respondents No. 1 to 4 have taken the following stand by way of preliminary submissions vide paras 1 and 2:

1. that it is submitted that the government of Himachal Pradesh has experienced

that the candidates after acquiring MBBS and Post Graduate Degree Course oftenly apply to the post of Registrars in Indira Gandhi Medical College, Shimla and in Dr. R.P. Govt. Medical College Kangra at Tanda time and again for second and third tenures of Registrarships and spend 6 to 9 years as Registrar in these Medical Colleges. On account of this, the poor people of the rural and far flung areas of the state are deprived of the best services of the Doctors. The Medical Education is very expensive field and the state Government has to spend lots of money approximately Rs. 25 lacs for producing one MBBS doctors. Therefore, in case the Doctors after acquiring the MBBS. Post Graduate qualification and after doing the Registrarship are reluctant to join the service in the far flung/hard areas of the state, the very purpose of teaching them and having incurred lots of money upon them from the state exchequer goes waste and also against the larger interest of the people of the State.

2. That it is relevant to submit here that now the Government of Himachal Pradesh has notified the new Policy for the recruitment of the Registrars/ Demonstrators in the Medical Education Department vide Govt. Notification No. HFW-B(A)2-4/2007, dated 18.12.2008 vide which there is two categories of Residents in the government Medical Colleges of the State i.e. Senior Resident and Resident Doctors. The eligibility for the post of Senior Resident is only MD/ MS doctors and post Graduates as approved by the MCI/DCI will be eligible for selection as Senior Resident. The Appointment for the post of Senior Resident will be for a period of three years and for Resident Doctors both Post Graduates and MBBS doctors will be eligible for selection as Resident Doctors. The tenure of Resident Doctors will be for 6 months at one go which will be extendable after every 6 months till the post(s) is filled up by Senior Resident(s) or he/she has served for three years as Resident Doctors which ever is earlier. However, after every 6 months Resident Doctors so selected shall have to apply afresh for the post and will have to undergo the selection process each time. A copy of which is annexed and marked as Annexure R-1 for the kind perusal of the Court.

4. In view of the above reply and in the facts and circumstances of the case, though with the lapse of time the petition has been rendered infructuous, yet even if the Petitioner still has any surviving grievance with regard to the factual and legal position, he may certainly point out the same before Respondent No. 2/ competent authority by way of appropriate representation alongwith copy of this judgment within one month from today, who shall consider the same and take a final decision in the matter in accordance with law within next three months, after affording an opportunity of being heard to the Petitioner, if so desired.

5. In view of the above, the petition stands disposed of, so also pending CMP(s), if any.