
(2023) 02 UK CK 0076

In the Uttarakhand High Court

Case No : Writ Petition (S/B) No. 63 Of 2023

Dr. Girish Prasad Pandey

APPELLANT

Vs

State Of Uttarakhand & Others

RESPONDENT

Date of Decision : 21-02-2023

Acts Referred:

Citation : (2023) 02 UK CK 0076

Hon'ble Judges : Vipin Sanghi, CJ; Manoj Kumar Tiwari, J

Bench : Division Bench

Advocate : B.S. Adhikari, B.S. Parihar

Judgement

Vipin Sanghi, CJ

1. Issue notice.

Learned counsel for the respondents appears and accepts notice.

2. The grievance of the petitioner is that the petitioner has been denied study leave to pursue the MD (Biochemistry) course on the basis of the Government Order dated 18.01.2021, which states that study leave shall be admissible only for clinical courses, and the course in Biochemistry is not treated as a clinical course.

3. Learned counsel for the petitioner submits that MD (Biochemistry) is prescribed as an essential qualification for employment in the medium or higher level pathological laboratories under the Notification dated 18.05.2018, issued by the Ministry of Health and Family Welfare, whereby the Clinical Establishments (Central Government) Amendment Rules, 2018, were framed.

4. Prima facie, we find merit in the submission of the petitioner. A study in MD (Biochemistry) would, prima facie, require the person undergoing such a course, to serve in the pathological labs, as well as in the Wards, and to examine patients, and study their pathological reports.

5. We direct the respondents to file their counter-affidavits disclosing as to why MD (Biochemistry) is not considered as a clinical course. The respondents should also disclose as to whether the said course is treated as a clinical course, or not, by the Central Government, or the other State Governments.

6. Counter-affidavit be filed within two weeks.

7. The petitioner was permitted to appear in the NEET (PG) examination by the respondents, where after he secured admission in MD (Biochemistry) course. Denial of study leave to him would hamper his studies in the Post Graduate course. Since, the only ground for denial of study leave cited by the respondents is the Government Order dated 18.01.2021, we are inclined to direct the respondents to provisionally grant study leave to the petitioner. Orders in this regard shall be passed within the next one week, failing which it shall be open to the petitioner to pursue his MD (Biochemistry) course, and he shall be treated as on study leave.

8. List the matter on 21.03.2023.