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**(1992) 01 RAJ CK 0026**  
**In the Rajasthan High Court**  
**Case No : Civil Writ Petition No. 4116 of 1991**

Dr. Kailash Bhandari

APPELLANT

Vs

State

RESPONDENT

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**Date of Decision :** 20-01-1992

**Acts Referred:**

Constitution of India, 1950 — Article 14, 16

**Citation :** (1992) 1 WLN 27

**Hon'ble Judges :** Rajesh Balia, J

**Bench :** Single Bench

**Final Decision :** Allowed

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## Judgement

Rajesh Balia, J.—The petitioner was granted Study Leave for pursuing post-graduation in M.S. (General Surgery) in R.N.T. Medical College, Udaipur vide order dated 5.8.1985 as an in service candidate. The only question which arises for consideration in this case is whether the petitioner is entitled to be treated on deputation for the period covered by study leave for doing post-graduation in M.S. (General Surgery).

2. No reply has been filed, it is stated by both the learned Counsel for the parties that the matter is squarely covered by number of decisions given by this Court , including the decision given in S.B. Civil Writ Petition No. 72 of 1983-Dr. P.M. Bhandari v. State of Rajasthan and Ors.; decided on August 1,1988 wherein, while allowing the writ petitions of Dr. Bhandari and connected writ petition of Dr. Patwa, it was observed by this Court that the respondents are directed to give a similar treatment to the petitioner and other persons who are similarly situated so as not to un-necessarily increase the litigation. It has been held by this Court that there is no reason that similar treatment should not be denied to petitioner when the persons similarly situated have been treated earlier, for the earlier period as well as subsequently, on deputation and have been paid emoluments accordingly. The action of the respondents in denying the benefit of deputation to such in-service Doctors discharging service while on study leave, is a serious

violation to Articles 14 and 16 of the Constitution of India.

3. Accordingly, the writ petition is allowed. The respondents are directed to treat the petitioner's period of study leave while undergoing post-graduate studies at R.N.T. Medical College, Udaipur as period spent on deputation in terms of the aforesaid judgment and given all consequential benefits.