
(2013) 07 MP CK 0048
In the Madhya Pradesh High Court
Case No : Writ Petition No. 8957 of 2013

Dr. Manoj Raje

APPELLANT

Vs

The State of Madhya Pradesh

RESPONDENT

Date of Decision : 18-07-2013

Acts Referred:

Citation : (2013) 07 MP CK 0048

Hon'ble Judges : Rajendra Menon, J;A.K. Sharma, J

Bench : Division Bench

Advocate : Basant Pandey, for the Appellant; Sanjay Dwivedi, learned Government Advocate for State, for the Respondent

Final Decision : Disposed Off

Judgement

1. Challenging the action of the respondents in directing to with comply with the requirement of serving the State of M.P. as contemplated in the bond submitted by the petitioner vide Annexure-P1 or to deposit the amount indicated in the bond, this writ petition has been filed. Petitioner was admitted to a Post Graduate course in medical after certain examination and entrance test conducted. The examination and the entrance test was conducted in accordance with rule namely Madhya Pradesh Medical & Dental Treatment Post Graduate Course Entrance Examination Rule, 2011 and in accordance with the rule, it was contemplated that every students admitted to the Course, shall give a bond for serving in the State of M.P. for the period of three years or pay the amount indicated in the bond in lieu thereof.

2. Accordingly, petitioner also executed the bond Annexure-P1 and undertook to comply with the requirement of the same. Petitioner was admitted to the post graduate course in Gandhi Medical College, Bhopal, he completed the course and now he has been appointed in the Central Reserve Police Force, where he wants to serve. It is stated by learned counsel for the petitioner that the wife of the petitioner is serving as Medical Officer in 18th Bn. ITB Police Force, Phase III, P.O. Dhhomanganj, District-Allahabad, UP. and he prays for his exemption from

complying with the conditions stipulated in the bond in question.

3. Accordingly, contending that the action of the respondents in insisting upon serving in the State of M.P. is illegal, he prays for interference into the matter.

4. Shri Sanjay Dwivedi, learned counsel refuted the aforesaid and submitted that once the statutory rule contemplates a provision and provides for serving in the State of M.P., the petitioner is required to act in accordance with the requirement of the rule, it was emphasized by Shri Sanjay Dwivedi that now the petitioner is estopped going back from the undertaking given by him and, therefore, no relief can be granted in this petition.

5. We have heard learned counsel for the parties. It is a common ground that the action taken by the respondents for getting the bond executed by the petitioner is in accordance with the statutory rule and so long as the rule subsists, the bond can be got executed. If the requirement of the statute is to serve in the State of M.P., in the absence of any challenge being made to the rule, no interference is called for. The petitioner may have a right of sympathetic consideration and the same has to be done by the competent authority, who can condone the default on the part of the petitioner, however in the light of the statutory rule and regulation available, this Court is devoid of any jurisdiction or power to interfere into the matter. In view of the same, granting liberty to the petitioner to represent to the competent authority of the State Government and directing the Government to consider and decide the matter sympathetically in accordance with law, this petition is accordingly, disposed of.