
(2022) 04 UK CK 0081

In the Uttarakhand High Court

Case No : Writ Petition (S/B) No. 193 Of 2022

Dr. Mohd. Hasim Ansari & Others

APPELLANT

Vs

State Of Uttarakhand & Others

RESPONDENT

Date of Decision : 18-04-2022

Acts Referred:

Citation : (2022) 04 UK CK 0081

Hon'ble Judges : Manoj Kumar Tiwari, J;R.C. Khulbe, J

Bench : Division Bench

Advocate : Piyush Garg, J.C. Pandey

Final Decision : Disposed Of

Judgement

Manoj Kumar Tiwari, J

1. Petitioners pursued M.B.B.S. Course from different Government Medical Colleges in State of Uttarakhand and successfully completed the said course in different years. All the petitioners had executed a bond while taking admission in M.B.B.S. Course that they will serve in remote inaccessible places of Uttarakhand for minimum period of five years, for availing benefit of highly subsidized tuition fee.

2. Learned counsel for the petitioners points out that without executing such bond, petitioners would have paid ₹ 6.00 lacs per annum as tuition fee, while petitioners paid ₹ 15,000/- per annum as tuition fee.

2. Petitioners are serving in different Government Hospitals/Primary Health Centres in Uttarakhand as per condition of the Bond executed by them in favour of the State Government.

3. The grievance raised by petitioners in the present writ petition is that they are being paid lesser amount as remuneration as compared to their regular counterparts, while according to them, they are entitled to pay/salary admissible to a Regular Medical Officer, even while serving under the bond.

4. By means of this writ petition, petitioners have sought the following reliefs:-

(i) Issue a writ, order or direction in the nature of mandamus, commanding the respondents to pay arrears of salary, allowances to the petitioners for the period they have served in the remote hilly areas of Uttarakhand, as was being paid to the regularly appointed medical officer/permanent medical officer, working in the government hospitals in terms of order dated 5.4.2019 passed by respondent no. 1 (Annexure No. 8 to this writ petition)

(ii) Issue a writ in the nature of mandamus, making the relevant service rules of Health Department applicable to the petitioners.

5. Learned counsel appearing for the petitioners has placed reliance upon judgment dated 02.11.2018 passed in WPSB No. 179 of 2018 as well as judgment dated 06.03.2020 passed in WPSB No. 73 of 2020.

6. Since petitioners have sought writ of mandamus, therefore, this Court thinks that ends of justice would be met, if petitioners are permitted to make representation and the Competent Authority is directed to take decision on their representation.

6. Accordingly, the writ petition is disposed of with liberty to petitioners to make joint representation to Secretary, Medical Health regarding remuneration. If such representation is made by petitioners within two weeks from today, Secretary concerned shall look into the matter and take appropriate decision, as per law, within six months from the date of production of certified copy of this order along with the representation.