
(2018) 05 UK CK 0042

In the Uttarakhand High Court

Case No : Writ Petition No. 608 (S/B) of 2017

DR. NAVODITA CHAUDHARY

APPELLANT

Vs

STATE OF UTTARAKHAND AND OTHERS

RESPONDENT

Date of Decision : 09-05-2018

Acts Referred:

Citation : (2018) 05 UK CK 0042

Hon'ble Judges : K.M. JOSEPH, C.J, SHARAD KUMAR SHARMA, J

Bench : Division Bench

Advocate : C. K. Sharma, Pradeep Joshi, Parikshit Saini

Final Decision : Dismissed

Judgement

K.M. Joseph, J

1. The petitioner approached this Court seeking following reliefs:

Â (i) Issue a writ, order or direction in the nature of mandamus commanding and directing the respondent to provide appointment to the petitioner

as Senior Residents in any of the Government Medical Colleges of the State on contractual basis for a period of one year and afterwards she may be

allowed to serve in Government Hospitals of the State as Medical Officer (specialist) as per specialization of the petitioner.Â (ii)Â Issue a writ, order

or direction in the nature of mandamus commanding and directing the respondent to direct the respondents to issue an experience certificate to the

effect she has worked in the State.

(iii) Issue a writ, order or direction in the nature of mandamus commanding and directing the respondents to take into consideration the period of

remaining idle for no fault of the petitioner while calculating the period of bond.

(iv) Issue any other or further writ, order or direction of the nature, which this Honâ??ble Court may deem fit and proper in the circumstances of the case.â??

2. Briefly put the case of the petitioner is as follows:-

The petitioner completed M.D. in Anatomy after getting allocated to the Government Medical College, Haldwani, under the All India Quota. This post-graduation course, which she has completed in bond in the Government of Uttarakhand, under which, the petitioner is to serve for two years after successfully completing post-graduation course.Â The complaint of the petitioner is that after completing the M.D. successfully, she is not being given her dues.Â In other words, according to her, she should be given appointment as Senior Resident in any of the Government Medical College on contractual basis for a period of one year, and afterwards, she may be allowed to serve in the Government Hospital as Medical Officer (Specialist) as per the specialization.Â

3. We heard Mr. C.K. Sharma, learned counsel for the petitioner; Mr. Pradeep Joshi, learned Standing Counsel for the State and Mr. Parikshit Saini, learned counsel for respondent no.4.

4. Mr. Pradeep Joshi, learned Standing Counsel, on instructions, submits as follows:-

Â On 19.06.2017, the petitioner was appointed in the Community Health Centre, Tharali, in terms of the bond as a Medical Officer.Â He would submit that there is no post of Senior Resident in Anatomy against which the petitioner can be accommodated.Â He also emphasized that under the terms of the bond, the persons like the petitioner will be accommodated as Medical Officer / (Specialist) in Government Hospitals / Health Centres situated in hill region.

5. In the circumstances of this case, we would think that the case of the petitioner cannot be accepted.Â The terms of the bond are apparently drawn in the public interest, so that doctors, after completing post-graduation course in terms of the bond, serve where they are most needed.Â There is specific case that there is no post of Senior Resident in the subject specialization which petitioner is, namely, Anatomy. The complaint of the petitioner cannot be accepted.

6. Accordingly, the writ petition will stand dismissed.Â Â

7. No order as to costs.