

(2021) 12 UK CK 0061

In the Uttarakhand High Court

Case No : Writ Petition (M/S) No. 2559 Of 2021

Dr. Vaibhav Nauriyal

APPELLANT

Vs

State Of Uttarakhand & Others

RESPONDENT

Date of Decision : 03-12-2021

Acts Referred:

Citation : (2021) 12 UK CK 0061

Hon'ble Judges : Manoj Kumar Tiwari, J

Bench : Single Bench

Advocate : Dharmendra Barthwal, Anil Dabral

Final Decision : Dismissed

Judgement

Manoj Kumar Tiwari, J

1. Petitioner pursued MBBS Course on subsidized fee from a Government Medical College, by executing a Bond in favour of Uttarakhand Government that upon completing the course, he will serve for a minimum period of five years in hill and remote areas of Uttarakhand State.

2. According to the petitioner, upon completing MBBS Course in 2014, he served in a Government Hospital in District Rudraprayag for a couple of months, as per condition of the Bond, but, thereafter, he went to Tata Main Hospital, Jamshedpur, Jharkhand for pursuing Masters Degree Programme.

3. Petitioner has completed Masters Degree course in 2021 and when he reported for duties, as per condition of the Bond, he was asked to join at Gopeshwar vide order dated 26.04.2021 passed by Director General. Petitioner has not joined at Gopeshwar. Now, petitioner wants his posting as Senior Resident in Veer Chandra Singh Garhwali Government Institute of Medical Science and Research, Srinagar, Pauri Garhwal.

4. By means of this writ petition, petitioner has sought the following relief:-

"i. Issue a writ, order or direction in the nature of mandamus commanding and directing the respondent no. 1 and 2 to forthwith consider the petitioner's application/representation (Annexure no. 5 to the petition) for Senior Residentship and permit the petitioner to join the Veer Chandra Singh Garhwali Government Institute of Medical Science and Research, Srinagar, Pauri Garhwal as Senior Resident, Orthopaedics."

5. Since petitioner received subsidized education at the cost of public exchequer with the understanding that he will serve the masses of Uttarakhand residing in remote inaccessible areas, therefore, he is bound by the conditions of the Bond and he cannot refuse to serve where he is asked to serve, by the Competent Authority.

6. Since Director General has asked petitioner to serve at Gopeshwar, which is Headquarter of District Chamoli, therefore, petitioner's request for change of place of posting cannot be acceded to.

7. In such view of the matter, this Court declines to interfere in the matter.

8. Accordingly, the writ petition fails and is dismissed.