
(2020) 08 SHI CK 0269
In the High Court Of Himachal Pradesh
Case No : Civil Writ Petition No. 2673 Of 2020

Usha Thakur

APPELLANT

Vs

State Of Himachal Pradesh And Others

RESPONDENT

Date of Decision : 06-08-2020

Acts Referred:

Citation : (2020) 08 SHI CK 0269

Hon'ble Judges : L. Narayana Swamy, CJ;Anoop Chitkara, J

Bench : Division Bench

Advocate : Sunil Mohan Goel, Ajay Vaidya

Final Decision : Disposed Of

Judgement

Anoop Chitkara, J

1. A Medical Officer who has done her MBBS and now wants to do her Post Graduation, has come up before this Court, seeking a direction to the

respondents to immediately relieve her from the services as a Medical Officer enabling her to join the MD Community Medicine Course in IGMC,

Shimla.

2. We have heard learned counsel for the parties. Mr. Ajay Vaidya, learned Senior Additional Advocate General, has placed on record one letter

issued by the Special Secretary (Health) to the Government of Himachal Pradesh, dated 18.9.2019, relevant portion of which reads as under:-

“I am directed to refer to your letter No.HFW-H(PG)/MD/MHA/Mics Corres/2017-5621 dated 23rd August, 2019 on the subject cited above and

to request you to ensure that in future GDOs/MOs may not be sponsored for doing MPH/MAE/DPH/MHA/PSM as there are already sufficient

number of Medical Officers having MPH/MAE/DPH/MHA/PSM in the cadre.

However, position may be reviewed after every 3 years.

Therefore, you are requested to issue suitable instructions to all the Principals/ Chief Medical Officers/Medical Superintendents/Block Medical

Officers in this regard accordingly.â??

3. On inquiring from this Court that whether any suitable instructions were issued consequent upon this letter, there is no such information available

with learned Senior Additional Advocate General. Even otherwise, the petitioner has furnished all the requisite bonds and has completed all the

formalities and she is struck off only because of her non relieving.

4. Learned Senior Additional Advocate General, further submits that in case this Court is proposing to permit the petitioner for being relieved, then it

should not be cited as a precedent. We are not in agreement with such prayer because it is open for the State to issue appropriate notification in this

regard.

5. Without going into further details, we dispose of the present petition, directing the respondents to relieve the petitioner within 24 hours.

With the aforesaid observations, present petition is closed, so also the pending applications, if any.

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