


HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 5602/2026

1. Dr. Shorya Khandelwal S/o Sanjay Khandelwal, Aged About 27 Years, R/o B6, Chitrakoot Colony, Kalwar Road, Jhotwara, Jaipur.
2. Dr. Kaushal Indoria S/o Murari Lal, Aged About 30 Years, R/o- C/o Murari Lal, Village Brahmano Ki Dhani, Post Pichanwa, Tehsil Surajgarh, District- Jhunjhunu.
3. Dr. Ruchika Mathur D/o Rajendra Prasad Mathur, Aged About 32 Years, R/o 62, Janakpuri 2, Imli Phatak, Jaipur, Rajasthan

----Petitioners

Versus

1. The State Of Rajasthan, Through Its Principal Secretary, Department Of Medical And Health Services Govt. Of Rajasthan, Secretariat, Jaipur, Rajasthan.
2. Joint Secretary, Medical Education (Group-1) Department, A11, Govind Marg, Saket Colony, Sethi Colony, Jaipur, Rajasthan 302004
3. The Director/ Additional Director (P.h.), Medical And Health Services, Govt. Of Rajasthan, Swasthaya Bhawan, C-Scheme, Ashok Nagar, Jaipur, 302007 (Raj.).
4. Office Of Chairman Dm/m.ch/md/ms Candidates Allotments Board-2025, Sms Medical College Jln Marg Jaipur 302004
5. The Principal, Jhalawar Medical College, Kota Rd, Gayatri Nagar, Jhalawar, Rajasthan 326001

----Respondents

For Petitioner(s)	:	Mr. Aditya Sharma Mr. Saumil Sharma
For Respondent(s)	:	Mr. Rahul Verma for Mr. Archit Bohra, AGC

HON'BLE DR. JUSTICE NUPUR BHATI

25/03/2026

1. This writ petition has been filed by the petitioners with the following reliefs:-

"i. Quash or set aside the impugned order dated 28.01.2026 (F.7 (54) (393) Allotment/Dme/Acad/2025/-08146) issued by the Respondent no. 2 insofar as it applies retrospectively to the Petitioners or imposes additional financial and procedural obligations not envisaged at the time of their admission;

ii. Issue a writ of Mandamus, Certiorari, order or direction declaring that the impugned order dated 28.01.2026 issued by Respondent no. 2, to the extent it imposes the requirement of furnishing a bank guarantee equivalent to the service bond amount as a pre-condition for admission to NEET-SS and INI-SS Courses, is illegal, arbitrary, unconstitutional, and without lawful authority;

iii. Declare that the Petitioners are entitled to pursue Super-Speciality Courses, Fellowships, and Senior Residency appointments without being compelled to furnish a bank guarantee, and that their original documents shall not be withheld on account of any retrospective or belated condition;

iv. Direct the Respondents to release the original academics documents of the petitioners to pursue Super-Speciality Courses, Fellowships, and Senior Residency appointments.

V. Any other order or direction which this Hon'ble Court deem just and proper in the facts and circumstances of the case may also be passed in favour of the Petitioners."

2. Brief facts of the case are that the petitioners, who are postgraduate medical doctors and citizens of India, have approached this Hon'ble Court under Article 226 of the Constitution of India, being aggrieved by the impugned order dated 28.01.2026 issued by the respondents. By way of the said order, the respondents have, for the first time, introduced a

mandatory requirement of furnishing a bank guarantee equivalent to the service bond amount as a pre-condition for pursuing NEET-SS/INI-SS courses, Senior Residency, and Fellowships. The petitioners contend that the said condition is arbitrary, illegal, and violative of their fundamental and legal rights. The petitioners had successfully cleared NEET-PG and were admitted to postgraduate courses in Government Medical Colleges in the State of Rajasthan under the All India and State Quota. At the time of admission, they were required to execute service bonds undertaking to serve the State upon completion of their courses. As per the consistent policy of the Respondents, as reflected in orders dated 12.07.2022 and 01.04.2025, candidates opting to pursue super-specialty courses or fellowships were only required to furnish an undertaking to serve the State for a period of two years upon completion of such courses, without any requirement of furnishing a bank guarantee. The petitioners are presently serving the State in compliance with their respective service bonds. However, by way of the impugned order dated 28.01.2026, the Respondents have abruptly altered the established policy by imposing an additional condition of furnishing a bank guarantee. The said change has been introduced after the declaration of NEET-SS results and at a stage when the counselling process is imminent, thereby impermissibly altering the "rules of the game" midstream. The Petitioners submit that such retrospective imposition of an onerous financial condition is arbitrary, discriminatory, and contrary to the doctrine of legitimate

expectation, particularly when similarly situated candidates of earlier batches were not subjected to any such requirement.

3. Learned counsel for the petitioner submits that the issue involved in the present writ petition is squarely covered by the order dated 16.02.2026 passed in SBCWP No.19839/2025 titled (Dr. Yash Vardhan Vs. State of Rajasthan & Ors.). The relevant part of the order dated 16.02.2026 reads as under:-

"18. It is a matter of fact that no reply to the application under consideration or counter to the additional affidavit has been filed by the State.

It is not in dispute that the order which provides for submission of bank guarantee by the petitioners equivalent to the amount of service bond has been issued by the State of Rajasthan on 28.01.2026 and thus, there was no occasion whatsoever for any candidate to presume or apprehend imposition of any such condition prior to the said order coming into effect.

19. It is also a matter of record that prior to issuance of circular dated 28.01.2026, the circular dated 01.04.2025 was holding its field.

Clause 15 of the circular dated 01.04.2025 reads as under:

"15. यदि कोई छात्र किसी Institute of National Importance (AIIMS, PGI, JIPMER) में Fellowship के लिए चयनित होता है तो उसे भी Fellowships उपरान्त 2 वर्ष की राज्य में राजकीय सेवा देने की शर्त पर ही अनुमति दी जायेगी।"

And, Clause 15 of the circular dated 28.01.2026 reads as under:

"15. यदि कोई अभ्यर्थी स्नातकोत्तर अथवा सुपर स्पेशियलिटी पाठ्यक्रम पूर्ण करने के उपरान्त किसी इंस्टीट्यूट ऑफ नेशनल इम्पोर्टंस (Any AIIMS/ PGI Chandigarh, JIPMER) तथा अन्य इंस्टीट्यूट ऑफ नेशनल इम्पोर्टंस संस्थान में सीनियर रेजीडेन्सी हेतु चयनित होता है, तो उसे राज्य सरकार/ संस्थान द्वारा बांड राशि के समतुल्य बैंक गारंटी जमा कराने पर अनुमति दी जा सकेगी।"

Clause 15 of both these circulars deals with the situation where a candidate is willing to join an INI.

20. Though, the respondents seriously dispute the applicability of Clause 15 of the circular dated 01.04.2025 upon SR-ship on the ground that the word used in Clause 15 of the circular dated 01.04.2025 is "Fellowship" and not "SR-ship", this Court in the case of Dr. Rohit Yadav (supra) considered the issue of SR-ship has duly referred to the order dated 01.04.2025 and has held as under:

"16. Considering the submissions made by the learned counsel for the parties, taking note of the judgments cited at Bar and upon assiduous perusal of the records, this Court has made the following observations:

16.1 That PGIMER Chandigarh is an Institute of National Importance.

16.2 That the RNT college, Udaipur upon an undertaking released the original documents of the petitioner.

16.3 That the respondent No.3 has not released the provisional degree and NOC of the petitioner.

16.4 That the circular dated 01.04.2025 issued by the Secretary permits the candidate for pursuing program/service in an Institute of National Importance for the respective period and thereafter completing remaining years of service as per Bond condition.

17. While placing reliance upon Article 19 and 21 of the Constitution of India, 1950 and taking note of the fact that the petitioner has expressed

his willingness to serve as a Senior Resident with the State for the remaining period, this Court in the interest of justice deems it apposite to allow the present petition with the following directions:

17.1 Provisional degree of the petitioner be released along with NOC and requisite documents, if any.

17.2 An undertaking in pursuance to the dictum passed in judgment Dr. Nishant Gopal (Supra), as on date be furnished to the State Government assuring compliance of the remaining Bond period in future.

17.3 PGIMER Chandigarh to permit the petitioner to continue on the post of Senior Resident without any break.

17.4 Respondent No.3 is directed to release requisite documents and NOC in favor of PGI Chandigarh."

Thus, it is not open for the respondents to argue that the Clause 15 of the circular dated 01.04.2025 will not apply on a candidate willing to join an INI for SR-ship.

21. Now, comparing Clause 15 of both the circulars i.e., circular dated 01.04.2025 and circular dated 28.01.2026, it is evident that the circular dated 28.01.2026 imposes an onerous condition upon the candidates of furnishing a bank guarantee equivalent to the amount of service bond. As the said circular came into effect only on 28.01.2026 and the applicant/petitioner No.2 has applied at AIIMS, Delhi for SR-ship in pursuance to an Advertisement dated 20.11.2025, which was issued much prior to issuance of the circular dated 28.01.2026 and even the online application form was filled on 01.12.2025 in pursuance to which, the examination was held on 03.01.2026, result of which was declared on 09.01.2026 and even the interview was held on 20.01.2026, this Court has no hesitation in holding that the applicant/petitioner No.2 would stand governed by circular dated 01.04.2025 and circular dated 28.01.2026 cannot be applied retrospectively upon the applicant/petitioner No.2 herein. It is more than settled that a circular cannot be applied retrospectively, more so to the detriment of a candidate who has already participated in the recruitment process on the basis of a circular which was existing on the date of commencement of the recruitment process.

22. It is also well established that a recruitment process commences with date of issuance of the Advertisement for recruitment. Applying the circular dated 28.01.2026 upon a recruitment process which has already commenced by issuance of the Advertisement on 20.11.2025 would tantamount to altering the rules of the game mid-way and that too, without any rationale, transparency or justification."

4. Learned counsel for the petitioner further submits that the Co-ordinate Bench of this Court in SBCWP No.4504/2026 titled as Dr. Ishant Kumar Sahu & Ors. Vs. The State of Rajasthan & Ors. vide order dated 19.03.2026, while dealing with similar set of circumstances as obtaining in the present case and following the ratio decidendi, expounded in case of Dr. Yash Vardhan (supra), observed as under:-

"11. Considering the facts that the NEET – SS Exam and so also the declaration of the result of the said exam have taken place prior to the issuance of the circular dated 28.01.2026, it is more than established

that the relevant and crucial events have taken place prior to the issuance of the said circular and thus, under no circumstances, the said circular can be applied upon the present petitioners. Hence, the petitioners would stand governed by the circular of the State Government dated 01.04.2025 which was in effect and operation on the date of the relevant and crucial events of the present case. Accordingly, the present petition deserves to be allowed and is allowed to the limited extent of governing the petitioners by the circular of the State Government dated 01.04.2025. Also, in view of the above findings, there is no occasion for this Court to deal with the validity of the circular dated 28.01.2026 in the present petition.

12. As the petitioners have been issued allotment letters by their respective Super Speciality Colleges in pursuance to the NEET SS score card and they are required to report and submit their original documents with their respective allotted Super Speciality Colleges, the Principals of the respective medical colleges of the respondent – State Government are directed to ensure that in terms of Clause 16 of the circular dated 01.04.2025, the original documents of the petitioners are sent directly by the respective medical colleges of the respondent – State Government to the petitioner's respective allotted Super Speciality Colleges.

13. As the submission of the documents is required to be done by the petitioners with their respective allotted Super Speciality Colleges in a time bound manner, it would be in the fitness of things to issue the following directions as well:-

i. Considering the fact that the petitioners are required to report and join their respective allotted Super Speciality Medical Colleges as early as possible, let an e-mail attaching the scanned copy of the original documents of the petitioners be sent by the Principals of respective medical colleges of the State Government to the respective Super Speciality Medical Colleges of the petitioners immediately informing about the sending of the documents of the respective petitioners directly by the medical colleges of the State Government to the respective Super Speciality Medical Colleges; and

ii. It be also communicated that though the provisional allotment letter requires the petitioners to produce all the original documents at the time of reporting at the allotted Super Speciality Medical Colleges, however, in terms of the circular dated 01.04.2025 and the present order passed by this Court, it is the State Government who would ensure the delivery of the original documents of the petitioners to their respective allotted Super Speciality Medical Colleges; and

iii. As the medical colleges of the State are required to ensure delivery of the original documents of all the petitioners, in the eventuality of any such documents reaching the respective Super Speciality Medical Colleges beyond a particular date, it will not at all prejudice the allotment/admission of the respective petitioners in their respective Super Speciality Colleges

14. The petitioners are also directed to immediately furnish an undertaking along with their respective provisional allotment letters with the State Government to the effect that they would serve the State Government for the period as stipulated in the bond executed and submitted by them, after completion of their tenure of Super Speciality course at their respective allotted Super Speciality Medical Colleges.

15. The undertaking would also state that in the event they fail to serve the State Government, they would pay the amount as mentioned in the Bond to the State Government. As the petitioners have duly submitted their willingness to furnish the undertaking and even the learned counsel for the petitioners have made this submission at Bar, a copy of the undertaking so furnished by the petitioners also be filed before this Court, if not already filed, and be made part of the record so as to ensure that the condition stipulated in the undertaking are duly adhered to by the petitioners. The said undertaking be furnished before this Court within one week of furnishing the same to the State Government.

16. It is also clarified that the said directions for release of the documents are being issued in light of the peculiar facts, more particularly considering Clause 16 of the circular dated 01.04.2025.

17. It is also clarified that in case, any of the petitioners fail to join their respective Super Speciality Medical Colleges, they would be mandatorily required to serve the State Government as per the Bond executed by them and the State Government will be within their rights to take all possible measures of procuring the documents back from the respective Super Speciality Medical Colleges.

18. With the aforesaid directions, the writ petition along with pending application(s), if any, stand disposed of. "

5. Learned counsel for the respondent-State is not in a position to refute the fact that the issue involved herein is squarely covered by order passed in the case of Dr. Ishant Kumar Sahu (supra).

6. In view of the above, the instant writ petition is disposed of in terms of the order dated 19.03.2026 passed in the case of Dr. Ishant Kumar Sahu (*supra*).

7. Stay petition as well as all pending application, if any, also stand disposed of.

(DR.NUPUR BHATI),J

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