



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

104

CWP No.32740 of 2025

DATE OF DECISION : 27th NOVEMBER, 2025

Dr. Janvi

.... Petitioner

Versus

State of Punjab & others

.... Respondents

CORAM : HON'BLE MR. JUSTICE ASHWANI KUMAR MISHRA
HON'BLE MR. JUSTICE ROHIT KAPOOR

* * * *

Present : Mr. D. S. Patwalia, Sr. Advocate with
Ms. Rishu Bajaj, Advocate for the petitioner.

Mr. Maninder Singh, Addl. AG, Punjab with
Ms. Samdisha Kaur, AAG, Punjab.

* * * *

ASHWANI KUMAR MISHRA, J. (Oral)

1. This writ petition is filed with the prayer to issue an appropriate writ, order or direction including writ in the nature of certiorari for quashing or reading down Clause 3.1 or any other clause of the letter dated 25.06.2019 (Annexure P-7), as contained in the prospectus for the Session 2025 (Annexure P-6), along with certain other prayers.

2. The petitioner has joined the medical department of the State of Punjab after having passed her MBBS course. She has been offered substantive appointment. Having worked for a month, the petitioner has applied for a leave to pursue PG Course. The authorities of the State have not permitted her to do so in view of Clause 3.1 of the circular dated 25.06.2019 (Annexure P-7), which requires PCMS doctors to have



completed one year of service for joining PG Course in non-incentive category. Clause 3.1 reads as under:

“3.1 The PCMS doctors who have completed 1 year of service but may or may not have completed rural service and who may or may not have cleared the probation period are also eligible for seeking admission in PG courses based on their NEET marks without any incentive marks provided that their service record is good i.e. no charge sheet is pending under Rule 8 or no challan has been submitted in judicial courts in respect of a criminal case.”

3. Mr. Patwalia, learned Senior counsel for the petitioner argues that there is no rationale furnished by the State for insisting upon the candidate to complete one year of service, before joining PG Course, inasmuch as the object of the State policy is to provide move qualified doctors in the service of PCMS cadre in the State of Punjab. It is also submitted that since the admission of the petitioner is in the non-incentive category, she will not stand to gain anything, as she would not be receiving salary etc. while pursuing post graduation. It is also urged that the policy is otherwise intended to incentivize higher qualification for the MBBS doctors in the employment of the State and therefore the condition of one year's minimum service is arbitrary as it has neither any intelligible differentia nor any object to achieve.

4. Reply has been filed on behalf of State wherein the policy itself has been highlighted. It is contended that the minimum working of one year has been introduced in the policy so that the doctors serve for some time in the PCMS cadre before they are allowed to take up higher



studies. It is also submitted that the policy has been introduced noticing that many of such doctors remain in employment only for few days/weeks/months and take up the PG course for the next three years.

5. In order to consider the submission advanced by the petitioner we would be required to examine the policy from a broader perspective. The policy introduced vide Government order dated 25.06.2019 is formulated to advance a definite purpose i.e. to ensure that highly qualified doctors are available in PCMS cadre. It is for the said purpose that the policy contemplates placing of doctors in one of the categories i.e. incentive category and non-incentive category. In the incentive category, the doctors continue to draw salary while pursuing the PG course, whereas in non-incentive category salary is not paid. In the incentive category marks are also given for working in rural areas. In the present case the petitioner falls in the non-incentive category. No marks have been awarded in this category as the candidate has not worked in a rural area. The doctor in this category is not entitled to any salary etc. and the only benefit which is available is to have lien on the post and later receive benefits in the form of seniority and other service benefits on account of continuity in job.

6. The question before the court is as to whether insistence on the part of the State to serve for a year, before being allowed to pursue PG Course, has any object to serve or is it arbitrary ?

7. Though in the non-incentive category, the doctor does not get salary but other benefits in the nature of lien, continuity of service and seniority etc. are extended to such doctors. Once that be so, the State



would be justified in requiring such candidate to serve in the cadre for at least a year before the candidate is allowed to take up higher studies. In case such a stipulation is not made then a doctor in PCMS cadre can avail of service benefits during the three year PG Course even if he has worked for a few days or weeks. In this case the petitioner has only worked for a month.

8. Though we find substance in the contention of the petitioner that ultimate object is to equip the department with better doctors but considerations like rendering service to the department for some period, cannot be said to be wholly without any purpose or irrational. It otherwise remains in the realm of policy of the State to require a minimum length of service and as we find that such policy cannot be termed to be irrational, we would not be justified in interfering with it only because a different view could be taken in the matter.

9. In view of the above, the present writ petition fails and is dismissed.

(ASHWANI KUMAR MISHRA)
JUDGE

27th November, 2025
'raj'

(ROHIT KAPOOR)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>	<i>No</i>
<i>Whether Reportable:</i>	<i>Yes</i>	<i>No</i>