

IN THE HIGH COURT OF MADHYA PRADESH
AT GWALIOR
WP No. 33141 of 2025
(DR UMESH NAGAR Vs THE STATE OF MADHYA PRADESH AND OTHERS)

Dated : 21-08-2025

Shri Aditya Sanghi-Senior Advcoate along with Shri Priyanshu Yadav-Advocate for petitioner.

Shri Vivek Khedkar-AAG along with Shri Sohit Mishra-Government Advocate for respondents/State.

Shri Lokendra Shrivastava-Advocate for respondent No.3 on advance notice.

1. Present petition under Article 226 of Constitution of India is preferred by petitioner who has taken admission in MD (Physiology) through All India Category Quota in Government Medical College, Shivpuri (respondent No.3 herein). After getting allotment, he started pursuing the course and on 25/02/2025, deposited all the original documents with respondent No.3. However, it appears that later on, he was given an offer from University of Liverpool, United Kingdom for doing Ph.D. Therefore, he wants to move further in life. Predicament of petitioner herein is that he had submitted an undertaking by way of bond to the tune of Rs.30,00,000/- (Rupees Thirty Lakh Only) stating that in case he moves out of college, then he has to deposit Rs.30,00,000/- (Rupees Thirty Lakh Only) as seat leaving penalty. Therefore, respondent No.3 is asking for depositing Rs.30,00,000/- (Rupees Thirty Lakh Only) which is beyond the resources of petitioner. Therefore, he preferred this petition.

2. It is the submission of counsel for petitioner that Ministry of Health and Family Welfare, Government of India also showed concern in this regard which is reflected from a question asked in Lok Sabha (*vide Annexure P/11*); wherein, the Ministry showed concern and requested the State Governments to review the Seat Leaving Bond Policy in medical colleges in concerned States. He also refers the case status of students who underwent mental agony and depression because of such condition, which at times becomes onerous and even atrocious. Rampant cases of suicide and mental depression are coming to the fore because of such condition. It is further submitted that this condition hinders the prospects of student to ameliorate for better exacting in life. He also refers the letter dated 10/01/2024 (*Annexure P/12*) issued by National Medical Commission, Government of India to Principal Secretaries of Health & Medical Education of all States/Union Territories to review the Seat Leaving Bond Policy in medical colleges.

3. In sum and substance, petitioner tries to raise the issue of condition of seat-leaving bond being hit by Article 14 and 19 of Constitution of India and is onerous. Therefore, *vires* of *Rule 15(1)(kha)* of *M.P. Chikitsa Shiksha Pravesh Niyam, 2015* (as amended in 2019) have been assailed.

4. Counsel for petitioner also relied upon several interim orders passed by coordinate benches of this Court (Principal Seat at Jabalpur as well as at Indore) to bring home the analogy that on giving undertaking by way of affidavit, original documents were directed to be returned to the candidate.

5. Issue notice to respondents.

6. Since parties are representing through their respective counsel,

therefore, payment of process fee is dispensed with.

7. Counsel for respondents sought 10 days' time to file reply. They also raised the point that if the seat is left out by the candidate, then it is a loss to the public exchequer because for this seat, no other candidate would be available in mid-term session.

8. As prayed for, 10 days' time is granted to respondents to file reply.

9. As an interim measure, subject to filing an affidavit of undertaking that subject to outcome of the subject proceedings, petitioner shall deposit the amount, if any, as assessed by this Court, the original documents of petitioner be released by respondent No.3 to petitioner forthwith, not later than 02/09/2025, on due acknowledgment.

10. It is further clarified that the release of original documents shall be subject to final outcome of the writ petition and if petitioner fails, then he shall have to bring back the original documents and/or to pay bond amount of Rs.30,00,000/- (Rupees Thirty Lakh Only).

11. It is made clear that this interim would not create any equity in favour of petitioner and the matter shall be heard on its own merits.

12. Respondents are expected to file reply within 10 days, so that, if possible, the matter can be decided finally.

13. List immediately thereafter.

(ANAND PATHAK)
JUDGE

(PUSHPENDRA YADAV)
JUDGE

(Dubey)