

**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**



S.B. Civil Writ Petition No. 473/2025

Suresh Kumar S/o Shri Babulal, Aged About 33 Years, R/o Bhutel, Post Devra, Police Station Jhab, District Jalore (Raj.).

----Petitioner

Versus

1. State Of Rajasthan, Through Secretary, Medical And Health Service Department, Government Of Rajasthan, Secretariat, Jaipur.

2. The Joint Secretary (A-3/complaint), Department Of Personnel, Government Of Rajasthan, Secretariat, Jaipur.

3. The Director (Ph), Medical And Health Service Department, Government Of Rajasthan, Jaipur.

4. The Additional Director (Non-Gazetted), Medical And Health Services Department, Government Of Rajasthan, Jaipur.

5. The Principal And Controller, Dr. S.n. Medical College And Associate Group Of Hospital, Jodhpur.

----Respondents

For Petitioner(s) : Mr. Vivek Firoda.

For Respondent(s) :

HON'BLE MR. JUSTICE ARUN MONGA

Order (Oral)

14/01/2025

1. Grievance of the petitioner, a medical officer, arises out of an order dated 19.12.2024 (Annex.17), vide which service of the petitioner was placed under suspension and the subsequent order dated 03.01.2025 (Annex.18), whereby he was relieved from his posting.

2. Relevant facts, shorn of unnecessary details are that the petitioner obtained a No Objection Certificate (NOC) to appear in NEET PG 2021. After qualifying, he was allotted a PG course in Radiodiagnosis at Dr. S.N. Medical College, Jodhpur. On

12.04.2022, the petitioner was relieved from the position of Medical Officer to join the PG course, and a three-year study leave was sanctioned for this purpose.

2.1. However, on 20.03.2024, an FIR No. 101/2024, alleging fabrication of educational degree of one Kamla Kumari, was registered under Sections 419, 420, 465, 467, 468, 471 & 120-B of IPC at Police Station Civil Line, Ajmer wherein the petitioner was not initially named as an accused, but was later implicated based on the statement of a co-accused. The petitioner was subsequently arrested on 22.03.2024 and is currently on bail. Charge-sheet was filed on 14.06.2024 and petitioner is facing trial as co-accused.

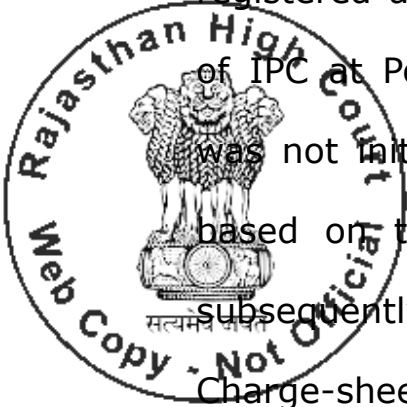
2.2. Following his release, the petitioner submitted an application on 12.11.2024 to rejoin the PG course. Instated, on 29.12.2024, Respondent No. 2, exercising powers under Rule 13(2) of the CCA Rules, 1958, suspended the petitioner effective from 22.03.2024 on ground of having remained in custody and fixed his headquarters at the office of the Director, Medical and Health Services, Rajasthan, Jaipur. Hence, the instant petition.

3. In the aforesaid backdrop, I have heard learned counsel for the petitioner and gone through the case record.

4. My attention has been drawn to the circular dated 22.03.2023 (Annex.-19), particularly clause (b) thereof, which is relevant and translated into English reads as below:-

“Suspension and revocation of suspension in Heinous & Grievous offences by the police :

1. Heinous offences and grievous offences such as murder, rape, dowry death, human trafficking, foeticide, trafficking of illegal drugs, involvement in using unfair means in public examination act or offences of Moral Turpitude matters, in all these cases, if any government



employee is arrested and kept in custody (Judicial/police custody) for more than 48 hours, Then search government employee should be immediately suspended.

In cases of such government employees, if the charge-sheet has been filed before the appropriate court, then their matter for revocation of their suspension should be kept before the review committee for proper consideration.”



In light of the above, it does appear that the competent authority before passing the impugned order, first ought to have placed the case of the petitioner before the review committee. Given the sheer time lapse between the time when the petitioner was arrested and the time of passing the impugned order, coupled with the fact that, at this stage, petitioner is merely an under trial/co-accused, since the trial has commenced after filing the charge-sheet, his suspension may not be warranted.

6. Moreover, it so appears that principal accused, who took the benefit of the fabricated mark-sheet is one Kamla Kumari. The role attributed to the petitioner is merely that of a conspiracy in helping her to prepare the fabricated mark-sheet. Thus, the petitioner is not beneficiary of the said fabrication, if any, which, in any case is sub judice before competent court. At this stage, it is merely an allegation.

7. Be that as it may, the instant petition is disposed of with a direction that case of the petitioner shall be placed before the Review Committee within a period of 30 days upon the petitioner approaching with the web-print of the instant order. The Review Committee shall thereafter take a decision in accordance with the circular, *ibid*, by passing appropriate order.

8. Till the needful is done, the effect and operation of the impugned orders dated 19.12.2024 (Annex-17) & dated 03.01.2025 (Annex.18) shall remain stayed.

9. In the parting, it is made clear that since the impugned orders have been stayed, petitioner shall be allowed to continue to carry on with his IIIrd year of the Post Graduation course at Dr. Sampurnanand Medical College (SNMC), Jodhpur.

Pending application(s), if any, shall stand disposed of.



21-/jitender/Rmathur/-

(ARUN MONGA),J

Whether fit for reporting : Yes / No.