



IN THE HIGH COURT OF MADHYA PRADESH  
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE VIVEK RUSIA

&

HON'BLE SHRI JUSTICE PRADEEP MITTAL

WRIT PETITION No. 17891 of 2022

*DR. DEEPALI BAIRWA*

*Versus*

*THE STATE OF MADHYA PRADESH AND OTHERS*

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Appearance:

*Shri Aditya Sanghi -Senior Advocate with Ms. Vinita Ahuja -Advocate for the petitioner.*

*Smt. Janhavi Pandit - Additional Advocate General for the respondent/State.*

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*RESERVED ON : 19.12.2025*

*PRONOUNCED ON : 05.01.2026*

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ORDER

*Per. Justice Vivek Rusia*

The petitioner has filed this present petition seeking direction to the respondent No.2 to release her from the bond condition and return the original documents with immediate effect.

Facts of the case, in short, are as under:

2. The petitioner completed the Post-Graduation Diploma in Anaesthesia on 03.03.2017. A formal certificate was issued by M.P. Medical Science University, Jabalpur, on 23.03.2017. Thereafter, she was registered



with the Medical Council on 13.07.2017.

3. The grievance of the petitioner is that since the appointment order for rural posting was not issued within three months from the date of declaration of the result of the PG course; therefore, she should be declared relieved from the bond conditions. According to Mr. Sanghi, LSC under Rule 11 of Pre-PG Rules, 2014, since the Commissioner, Health Services, did not issue the appointment order of the petitioner within three months from the declaration of the result, the bond filed by the petitioner is deemed to have been cancelled.

4. After notice of this petition, the respondents have filed the reply alleging suppression of the fact. It is submitted that in compliance with the interim order dated 07.12.2016 passed in W.P. No.20195/2016, the original documents were released to the petitioner on 11.08.2017. The petitioner was granted the NOC with a clear stipulation that the same is being granted for pursuing the super speciality course, and on completion of the super speciality course, she would be liable to render compulsory rural service under the State Government for a period of one year. Since the petitioner has suppressed the fact of the release of original documents; therefore, the writ petition is liable to be dismissed with costs. It is also submitted that upon completion of her MBBS course, she was appointed as a regular Medical Officer by way of selection through MPPSC. Vide order dated 14.08.2013, she was posted at District Hospital Ratlam as Medical Officer, where she joined on 12.09.2013. At the time of her PG course, she was already a government employee. The petitioner applied for study leave, but before it



could be allowed, she went on unauthorised leave to pursue the PG Diploma course. Vide order dated 19.12.2016, she has been posted from District Hospital Ratlam to Neemuch, and the period of absence has been treated as *Dies non*.

5. Learned counsel for the respondent has placed reliance on the judgments passed by the Apex Court in the case of *Association of Medical Super Speciality Aspirants and Residents and others vs. Union of India and other*, reported in (2019) 8 SCC 607, as well as the Division Bench Judgment of this Court in the case of *Dr. Vaibhav Yawalkar & others Vs. Union of India & others* passed in W.P. No.9857/2014 and prayed for dismissal of this writ petition.

#### Appreciations and Conclusion

6. A copy of the NOC issued by Mahatma Gandhi Medical College, Indore, is filed as Annexure R/1, under which the original documents were returned to the petitioner, subject to an undertaking that the petitioner would complete the one-year rural posting. The petitioner suppressed the fact about her appointment as Medical Officer in the Department of Health Services. She was posted at District Hospital Ratlam, and vide order dated 19.12.2016, her posting was changed from District Ratlam to District Neemuch, and the period of unauthorised leave was treated as *Dies non*. In all fairness, the petitioner should disclose all these facts.

7. So far, the applicability of Rule 11 of Madhya Pradesh Autonomous Medical and Dental Post Graduate Course (Degree/ Diploma) Admission Rules, 2017 is concerned, this provision applies to selected



candidates except in service as demonstrator or Medical Officers. Therefore, by virtue of the appointment of the petitioner in the Department of Health Services, she is not required to undergo a rural posting. She took admission in a PG course/diploma course while working as a Medical Officer. After completion of the course, she was required to rejoin her duties. Therefore, in service, candidates are not required to submit a bond for rural posting.

8. The petitioner has not approached this court with clean hands as she suppressed the important facts in the writ petition; the writ petition is liable to be dismissed on these grounds alone. If the petitioner is willing to join back her duties as a Medical Officer in the Health Department, then she will have to work in Rural/remote areas. under the bond condition. In view of the above, this Writ Petition is also dismissed.

**(VIVEK RUSIA)**  
JUDGE

**(PRADEEP MITTAL)**  
JUDGE

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