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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

CNR No. DLHC010402322026

+ **W.P.(C) 12457/2026**

DR MANISH KAMRA

.....Petitioner

Through: **Mr. John Mathew, Adv**

versus

UNION OF INDIA & ORS.

.....Respondents

Through: **Ms. Avshreya Pratap Singh Rudy,
Adv. CGSC Ms. Usha Jamnal, Adv.
Ms. Nyasa Sharma, Adv. Mr.
Siddhant Nagar, Adv Mr. Abhinav
Mall, Adv Ms. Nishtha Dhall, Adv
Mr Dhruv Rohatgi Ms Chandrika
Sachdeva Mr Dhruv Kumar, Adv.
Mr. Waize Ali Noor, Adv. Mr.
Mrinal Kumar Sharma, Adv. Mr.
Zillur Rahman, Adv.**

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER
15.09.2026

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1. This is a writ petition filed under Article 226 of the Constitution of India seeking the following prayers:-

“(i) Issue a writ of mandamus or any other appropriate



writ, order or direction, directing Respondent No.1 and 2 and other respondent authorities as the case may be, to consider and grant the Application of the petitioner seeking extraordinary leave for 36 months, to pursue the Super Speciality DNB Course in Cardiology at Janakpuri Super Speciality Hospital, West Delhi, NCT, Delhi, which is allotted to him vide Provisional Allotment letter dated 12-08-2026 by Respondent no.5;

(ii) Direct Respondent No.2 to relieve and grant NOC to the petitioner from the Department for pursuing the Super Speciality DNB Course in Cardiology at Janakpuri Super Speciality Hospital, West Delhi, NCT, Delhi;

(iii) Direct Respondent No.3 and 4 to reserve the seat allotted to the petitioner at Janakpuri Super Speciality Hospital, West Delhi, NCT, Delhi, for Super Speciality DNB Course in Cardiology;

(iv) Direct the Respondent No.3 and 4 to accept the fees for admission to the Super Speciality DNB Course in Cardiology at Janakpuri Super Speciality Hospital, West Delhi, NCT, Delhi. ...

2. The brief facts of the case are that the petitioner is in service of Government of the National Capital Territory of Delhi (GNCTD). The petitioner appeared for the NEET SS Exam-2025 held on 27.12.2025 and qualified the same.

3. Pursuant thereto, in the second round of counselling for NEET SS Exam-2025 conducted on 12.08.2026, the petitioner was allotted a seat in



the DNB Super Speciality Cardiology Course at Super Specialty Hospital, Janakpuri, West Delhi under the All India Quota.

4. In response to the same, the petitioner *vide* letter dated 18.08.2026 applied for grant of EOL from the respondent No. 2 under Rule 32 of the CCS (leaves) Rules, 1972 for a period of 3 years. Since the petitioner did not receive any response, the present petition has been filed. Notice was issued on 25.08.2026 and respondents were required to file counter affidavit. However, no counter affidavit has been filed. Since there is urgency, the matter has been heard.

5. Ms. Sachdeva, learned counsel for respondent No. 2 has addressed arguments and raised the following contentions:

(a). That the petitioner did not apply for permission to appear in the NEET-SS Exam-December, 2025.

(b). That the petitioner had already availed study leave earlier for 36 month and had executed a bond to complete five years of service after return to duty. Hence, the petitioner is in violation of the terms of the bond.

6. She further states that the interest of Central Government are adversely affected as the petitioner is performing the functions of medical Officer in outer North district. Hence the petition deserves dismissal.

7. In the present case, the petitioner after executing a bond has already served a period of 1 year and 9 months. The bond categorically states that any person acting in violation of the term of five years is required to pay Rs. 61 lakhs. Hence, the quantification for the loss or adverse effect has already been assessed by the respondent No. 2 to the tune of Rs. 61 lakhs for any interruption in the service of five years.



8. The petitioner in the present case has got an opportunity to enhance his professional skills by pursuing higher education in the form of a Super Speciality Course. Interdicting the same would be a violation of valuable rights of the petitioner including his right to pursue higher education, which even though not spelt out as a fundamental right cannot be curtailed lightly.

9. The interest of respondent No. 2 for monetary compensation can always be secured by directing the petitioner to furnish an indemnity/undertaking and an undated cheque for Rs. 61 lakhs.

10. It is also stated by Ms. Sachdeva, learned counsel, that the office memorandum of the year 2023 states that no *ex-post facto* permission shall be granted by the respondent No. 1.

11. However, the petitioner on 03.02.2025 in identical circumstances had sought permission to apply for NEET SS Exam and the respondent No. 2 had denied the same on the ground “*that the Officer has already availed study leave 3 years (not eligible for 2nd study leave)*”.

12. Thus, from a perusal of the aforesaid, it appears that this was the reasoning on which the petitioner was denied permission for study leave for the first NEET SS and the respondents are only concerned with the violation of the bond and non-eligibility of the petitioner for second study leave. The same has already been addressed above and hence, this contention of the respondents cannot be countenanced.

13. No material has been placed on record to show shortage of medical staff with respondent No. 2, except for a bald averment. Additionally the petitioner has undertaken to come back and complete his bond period with enhanced super speciality qualification.

14. For the said reasons, the leave of the petitioner shall be sanctioned



within two days of furnishing the affidavit/indemnity undertaking to complete the balance period of the bond after completing the course, and an undated cheque. Immediately upon issue of NOC, the petitioner shall deposit the fees.

15. The order is passed in peculiar fact and circumstances of the present case and shall not be treated as binding procedure.

16. In case there are delays in compliance with the formalities as detailed above, based on the aforesaid order, the petitioner shall deposit the fees and shall be given joining by the respondent No. 3.

17. Accordingly, the present petition is allowed in the aforesaid terms.

JASMEET SINGH, J

SEPTEMBER 15, 2026/da

(corrected and uploaded on 17.09.2026)