



**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**



S.B. Civil Writ Petition No. 19854/2026

CNR: RJHC020958122026 | URN: CW / 41461U / 2026

Dr. Nitin Jhalani S/o Sh. Santosh Jhalani, Aged About 37 Years,
R/o 65 Jai Nagar Kesar Choraha Mansarovar, Jaipur

-----Petitioner

Versus

1. Director, Rajasthan Medical Education Society, Jaipur (Rajmes), Govind Marg, Janta Colony , Chikitsa Shiksha Bhawan, Jaipur.
2. The Principal Secretary, Department Of Medical Education, Government Of Rajasthan, Government Secretariat, Jaipur, Raj.
3. Secretary, Department Of Personnel, Government Of Rajasthan, Government Secretariat, Jaipur.
4. Principal, Government Medical College Tonk, Baheer Road, Tonk Rajasthan

-----Respondents

For Petitioner(s) : Mr. Nikhil Saini
For Respondent(s) : Mr. Archit Bohra, AGC with
Mr. Rahul Verma

JUSTICE ANOOP KUMAR DHAND

Order

30/09/2026

1. The instant writ petition has been preferred with the following prayers:

"i. By issuing an appropriate writ or order or direction, the respondents may be directed to grant Extension or Relaxation in Joining to the petitioner in view of conditions in order dated 12.08.2026 (Annexure-4) which was extended by order dated 25.08.2026 and order dated 10.09.2026 on the post of Assistant professor general Surgery till completion of his higher study course i.e. M.Ch. Course in Urology or;





ii. By issuing an appropriate writ or order or direction, the respondents may be directed to grant extraordinary leave to petitioner till completion of his higher study course in view of the government of Rajasthan Finance department Memorandum No. F1(2)FD/Rules/2006-I dated 22.2.2021.

iii. Any other order or direction which this Hon'ble Court may deem fit and proper in the facts and circumstances of the case and in favour of the writ petitioner may also be passed."

2. By way of filing the instant writ petition, a prayer has been made for issuing directions to the respondents to grant extension/relaxation to the petitioner in joining the post of Assistant Professor in General Surgery till completion of higher study course i.e., M.Ch. in urology.

3. Learned counsel for the petitioner submits that in pursuance of the advertisement dated 21.11.2025, the petitioner participated in the selection process for appointment on the post of Assistant Professor in General Surgery and he was selected and appointed vide order dated 12.08.2026 and has been directed to join on or before 30.09.2026. Counsel submits that at present the petitioner is undergoing higher study course i.e. in M.Ch. in Urology and is studying in the second year of the said course, which would complete in the next year. Therefore, a direction be issued to the respondents to extend the joining time period of the petitioner.

4. Learned counsel further submits that as per the circular/memorandum dated 22.02.2021, issued by the Department of Finance, Government of Rajasthan, joining period of any probationer trainee can be extended, in case such probationer trainee is undergoing any studies. Counsel submits that the controversy involved in the instant writ petition has already been set at rest by the Co-ordinate Bench of this Court in



the case of **Dr. Prateek Verma vs. State of Rajasthan and Ors.** while deciding **S.B. Civil Writ Petition No.61/2025** vide order dated 10.01.2025, and the same view has been reiterated in the case of **Dr. Bharat Sadhwani vs. State of Rajasthan and Ors.** while deciding **S.B. Civil Writ Petition No.13713/2025** vide order dated 10.09.2025. Apart from the above, counsel for the petitioner has placed reliance upon the following orders passed in the case of:

- i. **Chandar Prakash Gunawat vs. State of Rajasthan [S.B. Civil Writ Petition No.1886/2013]** decided on 12.11.2013.
- ii. **Dr. Reenu Choudhary and Anr. vs. State of Rajasthan and Ors. [S.B. Civil Writ Petition No.19964/2017]** decided on 09.11.2017.
- iii. **Dr. Akshay Shekhawat vs. State of Rajasthan [S.B. Civil Writ Petition No.6251/2021]** decided on 28.05.2021.
- iv. **Dr. Reenu Choudhary and Anr. vs. State of Rajasthan and Ors.[S.B. Civil Writ Petition No.19964/2017]** decided on 09.09.2019.
- v. **State vs. Dr. Giriraj Sahu and ANr. [S.B. Civil Special Appeal (Writ) No.730/2014]** decided on 21.07.2017."

5. *Per contra*, learned counsel appearing on behalf of the State-respondent opposed the arguments raised by counsel for the petitioner and submitted that the petitioner has not approached this Court with clean hands and he has deliberately & intentionally suppressed the correct facts. In fact, the petitioner was appointed





on the post of Medical Officer at SMS Hospital & Medical College, Jaipur. While, he was rendering the services, the petitioner applied for extraordinary leaves for undertaking the course of M.Ch. in Urology. Counsel submits that considering the above aspect of the matter that the petitioner wants study leaves, he was allowed those leaves to undertake the course of M.Ch. Counsel submits that lien of the petitioner is still lying with the Department of Medical Health with regard to his services in SMS Medical College. Counsel submits that now the petitioner has again participated in fresh recruitment process for getting appointment on the post of Assistant Professor in General Surgery and he has been selected and appointed vide order dated 12.08.2026 at the Government Medical College, Tonk. Counsel submits that earlier the intake capacity of MBBS students was 50 seats and the same has been enhanced to 100 seats by the National Medical Commission (NMC). Counsel submits that certain deficiencies were pointed out when the inspection was conducted by the National Medical Commission including deficit number of faculty members. Counsel submits that undertaking has been submitted by the Principal Secretary as well as the Commissioner of the Department of Medical Health and Medical Education that the deficiencies with regard to the basic facilities, including faculty, would be rectified soon. Counsel submits that the respondents are supposed to rectify all the deficiencies on or before 30.10.2026. Counsel submits that in case these deficiencies are not removed, the NMC will take back the increased 50 seats or impose heavy penalty of Rupees One Crore for every violation or act of omission. Counsel submits that the petitioner cannot be allowed to keep his lien in



two services i.e. one at the SMS Medical College and another at the Government Medical College at Tonk. Counsel submits that under these circumstances interference of this Court is not warranted and the instant writ petition is liable to be rejected.

6. Heard and considered the submissions made at the Bar and perused the material available on the record.

7. Considering the arguments put forward by learned counsel for the State-respondent and looking to the fact that the petitioner was already appointed as Medical Officer at the SMS Hospital & Medical College, Jaipur and during subsistence of that services the petitioner applied for study leaves in the form of extraordinary leaves to undergo M.Ch. course in Urology and after submitting an undertaking before the Department of Medical and Health, he was permitted to undergo the aforesaid course. It appears that during continuation of the aforesaid M.Ch. course, the petitioner again participated in the selection process for getting appointment on the post of Assistant Professor in General Surgery and in furtherance thereof he has been selected and granted appointment vide order dated 12.08.2026.

8. As per the terms and conditions of appointment order, the petitioner is supposed to join the services on or before 30.09.2026. However, the petitioner wants extension of time for joining on the post of Assistant Professor in General Surgery on account of his ongoing M.Ch. course in Urology, which would complete in the next year.

9. The facts, as narrated by the State counsel, from the document shown to the Court, during the course of argument reveal that by exercising such option or seeking such liberty, the



petitioner wants to keep his lien in two different services simultaneously i.e. one at the SMS Medical College; and second at the Government Medical College at Tonk.

10. A person like the petitioner cannot be permitted to take advantage of all these situation. More particularly, when he wants to continue two different services and while keeping these two services, as lien, he also wants to pursue higher studies, and that too at the cost of the students, who are studying MBBS course at the Government Medical College at Tonk. The petitioner cannot be permitted to dictate the course of events as per his wishes and desire, to frustrate and hamper the entire system.

11. A government servant can hold the lien on one substantive post only at a time.

The provision of extension of joining time is meant to meet the administrative exigencies or personal hardship of emergent nature, but not as a mechanism to stall or hold multiple employments, while pursuing higher studies. Attempting to retain multiple liens or intentionally delaying in the joining of a new service to juggle multiple employment options, certainly violates the Code of Conduct and amounts to misuse of facility.

Keeping the liens in two services simultaneously, would block the appointment of other meritorious candidates in waiting list and cause administrative inconvenience.

12. In the peculiar facts and circumstances of the case where the intake capacity of the Government Medical College, Tonk has been increased by 50 seats for the MBBS Course and for that purpose adequate faculty members are required for imparting teaching and training to the medical students, in case the petitioner is allowed



extension of time of two years, the post upon which the petitioner has been appointed, would become vacant and the Government Medical College would not be in a position to conduct studies to such students who have been admitted in the MBBS course.

13. Keeping lien in two services and subsequently seeking extension of time by the petitioner for joining second service on account of pursuing higher studies, for two years, would certainly cause great inconvenience not only to the respondents but also to the students admitted to MBBS Course and their parents and public at large. In the considered opinion of this Court, by seeking extension for joining the new service, for pursuing two years further higher studies, the petitioner is trying to sail in two boats at the same time and such unjustified prayer of the petitioner cannot be accepted at any cost.

14. The judgments so relied upon by counsel for the petitioner do not come to any rescue of the petitioner in the peculiar facts and circumstances of the case and even the memorandum in the form of circular dated 22.02.2025, as relied upon by the petitioner, cannot be applied in its letter and spirit, looking to the peculiar facts and circumstances of the present case.

15. This court finds no merit and substance in the instant writ petition and the same is liable to be and is hereby rejected.

16. The stay application and all pending applications, if any, also stand dismissed.

(ANOOP KUMAR DHAND),J

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