

**The High Court of Madhya Pradesh
Writ Petition No. 7309/2020
(Dr. Mulayam Singh Yadav Vs. State of MP & Others)**

1

Gwalior, dated 21.05.2020

Shri Vivek Khedkar, learned counsel for the petitioner.

Shri Nitin Agarwal, learned Government Advocate for the Respondent/State.

Smt. Nidhi Patankar, learned counsel for the respondent No.3.

Heard on **IA No. 1626/2020**, an application for taking documents on record, and **IA No. 1630/2020**, an application for taking additional documents on record.

For the reasons assigned in the applications, in the interest of justice, applications are allowed. Documents are taken on record.

The matter is heard finally through Video Conferencing.

In the present writ petition the petitioner has sought for the following reliefs:-

“The direction be issued to the respondents to extend the period of bond as per the instructions issued by the DME and for that purpose, if any additional affidavit from the parents is required then the petitioner may be permitted to submit the affidavit in pursuance to the directions, and, the original documents of the petitioner be returned after taking the affidavit at the time of counselling.”

Learned counsel for the petitioner submitted that the petitioner is meritorious person and he has done MBBS Course from Netaji Subhash Chandra Bose Medical College, Jabalpur in the year 2008-2013. Thereafter, he applied for Post Graduation Diploma in Orthopedics and got admission in Gajra Raja Medical College (GRMC) Gwalior in the Batch 2017-2019. The petitioner had submitted a bond at the time of taking admission in MBBS Course. Thereafter, the petitioner had taken No-Objection in this

**The High Court of Madhya Pradesh
Writ Petition No. 7309/2020
(Dr. Mulayam Singh Yadav Vs. State of MP & Others)**

2

regard and he got admission in Post-Graduation Diploma in Orthopedics. At the time of admission in PG Diploma in Orthopedics, the petitioner had deposited all original documents in the office of GRMC, Gwalior. Again, at the time of admission the petitioner executed a bond that he will render one year services in the Government Hospitals after completing diploma otherwise he will be bound to deposit Rs.8.00 lacs towards the bond. Accordingly, the petitioner applied for rendering services in GRMC Gwalior in the Super Speciality Hospital and he has been allowed to join on 6.8.2019.

In October, 2019, an advertisement was published with regard to PG Courses and petitioner appeared in the NEET Examination and secured 7888 rank. The counselling for the aforesaid PG Courses was to be started from 12.3.2020 to 22.3.2020. As per the direction of Dean, GRMC Gwalior, the petitioner was ready and willing to submit his as well as his parent's affidavits in terms of the instructions issued by the DME on 25.2.2020.

Learned counsel for the petitioner further urged that he has submitted representation that if the petitioner is allotted a seat in MS Orthopedics in the counselling then the bond period which has been given by the petitioner may be extended for a period of more than two years but no decision till yet has been taken on the said representation.

Per Contra, learned counsel appearing for the respondents have opposed the prayer and submitted that the petitioner is at fault. He has neither fulfilled the conditions of bonds executed on various occasions nor deposited any money as per the bond requirement.

**The High Court of Madhya Pradesh
Writ Petition No. 7309/2020
(Dr. Mulayam Singh Yadav Vs. State of MP & Others)**

3

The first bond was executed by the petitioner when he took admission in MBBS in Netaji Subhash Chandra Bose Medical College, Jabalpur in the year 2008-2013. Thereafter the petitioner executed second bond at the time of admission in PG Diploma Course in the year 2014 but till date he has neither complied with bond conditions nor deposited any amount of bond. Hence, no relief can be granted to the petitioner.

Heard learned counsel for the parties and perused the material available on record.

It is settled position of law that there is no fundamental right to pursue post-graduation medical education, specially in Government colleges where higher education is subsidized. Therefore, the conditions precedent for executing bond cannot be challenged and it is no way violative of any constitutional right. It is obligatory for the students to execute bond at the time of their admission. On completion of their courses questioning the bond on several grounds is not permitted. At the time of admission, execution of bond is an obligation on the student as he is going to get higher education on subsidized basis. Therefore, he will perform special duties as mentioned in the said bond. If he fails to comply with the conditions precedent in the bond within the specified time, he will be liable to pay the bond amount.

In the case at hand, it is an admitted position that on various occasions, as mentioned above, the petitioner has executed the bonds. It is also apparent from the writ petition as well as the documents/affidavit of the petitioner and request letter for extension of time dated 12.2.2020 and 17.2.2020, enclosed with the petition at pages 24, 25, 26, 29 and 31, that the petitioner has not complied

**The High Court of Madhya Pradesh
Writ Petition No. 7309/2020
(Dr. Mulayam Singh Yadav Vs. State of MP & Others)**

4

with the conditions of bond in specified period. Therefore, the person who has neither fulfilled or complied with the bond conditions nor deposited the bond amount in scheduled/due time has no locus to resort to the legal remedy through this Court.

Resultantly, the writ petition sans merits and is hereby dismissed.

(yog)

**(Sheel Nagu)
Judge**

**(Rajeev Kumar Shrivastava)
Judge**