



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

S.B. Civil Writ Petition No. 18308/2019

Dr. Bharat Sapra

----Petitioner

Versus

1. State Of Rajasthan, Through Principal Secretary, Medical Education (Group-I), Govt. Secretariat, Govt. Of Rajasthan, Jaipur.

2. Principal And Controller Of Sawai Man Singh Medical College And Associate Hospital, Jaipur.

3. Deputy Secretary, Medical Education (Group-I) Department, Govt. Of Rajasthan, Jaipur.

----Respondents

---

For Petitioner(s) : Mr. Shobhit Vyas  
For Respondent(s) : Dr. V.B. Sharma, AAG

---

**HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA**

**Order**

**16/10/2020**

1. Learned Additional Advocate General was heard at length.
2. Learned counsel appearing for the petitioner submits that the petitioner has sought voluntary retirement under Section 50(1) of the Rajasthan Civil Service (Pension) Rules, 1996 in order to contest the municipal election. The State has rejected the application of the petitioner on the ground that there is paucity of Gastroenterology in the SMS Hospital and considering the scarcity of specialized doctors.
3. In the case of "**State of Uttar Pradesh & Ors. Vs. Achal Singh**" reported in AIR 2018 SC 3940, the action of the State in



denying voluntary retirement on account of scarcity of Medical Doctors, was approved by the Supreme Court.

However, in the present case, the petitioner seeks voluntary retirement for participation in the election and represent the public of the State. A person cannot be denied to participate in the election, however, as there is an impediment for a government

servant to participate in the election on account of being a Government servant, the voluntary retirement application has been moved.

Keeping in view the right of a citizen to participate in the election, in the special circumstances, this Court allows this writ petition and directs the respondents to allowed the VRS application and release the petitioner and allow him to participate in the Municipal Election and treat him as retired for the said purpose.

4. However, considering the paucity of specialized doctors in field of Gastroenterology, if the petitioner does not participate in the Municipal Election or after having participated loses the election, the petitioner's voluntarily retirement shall be treated as cancelled and the petitioner will have to join back services and give his medical services for the State and be allowed to be posted back on the place where he is presently posted . A bond in this regard shall be submitted by the petitioner.

5. Another application No.1/27.1.2020 has been moved for waving the cost.

6. Taking into consideration the contents of the application filed by the office of the Additional Advocate General, the order passed





for imposing the cost dated 14.12.2019 read with order dated 8.9.2020 is recalled.

7. With the observations and directions, as indicated above, the writ petition is disposed of.

8. All the pending application also stand disposed of.



(SANJEEV PRAKASH SHARMA),J



सत्यमेव जयते