Government of Jammu and Kashmir
Health & Medical Education Department
Civil Secretariat, Jammu.

Subject: Implementation of Orders passed by the Hon’ble High Court at Jammu in the following Writ Petitions:

i. SWP No. 385/2019, IA No. 1/2019—titled Dr. Saddaf Amin Vs State of J&K & Ors and SWP No. 602/2019, IA No. 1/2019 & Caveat No.1254/2019 titled Dr. Saddaf Amin Vs State and others

ii. SWP No.285/2019, IA No. 1/2019 titled Dr. Manvinder Singh Vs State & Ors.

Government Order No: 441 -HME of 2019
Dated: 23-04-2019

WHEREAS, meeting under the Chairmanship of Hon’ble Governor J&K state was held on 13/08/2018 in which various issues pertaining to the Health and Medical Education Department including the issue of shortage of Doctors were discussed in detail and it was noted that non availability of doctors is affecting healthcare in peripheral areas more so in remote areas. It was therefore decided to undertake fast track recruitment of Medical Officers and Health and Medical Education Department was asked to refer vacancies of Medical officers including the reserves to the J&K PSC, after seeking the approval of Finance Department.

WHEREAS, as a first step to ensure fast track recruitment of Medical Officers, the Government issued Notification SRO 388 dated 10th September, 2018 by virtue of which oral/viva-voce for the posts of Medical Officers was dispensed with and these posts were ordered to be filled up on the basis of written test only to be conducted by the J&K PSC.

WHEREAS, the Health & Medical Education Department worked out a proposal to utilize all the vacancies of Medical Officers including those earmarked for Leave, Training & Deputation Reserves by referring the vacancies to the J&K Public Service Commission for selection purpose on fast track basis in the larger public interest.

AND WHEREAS, the matter was taken up with the Finance Department for seeking their concurrence prior to referral of these vacancies to the J&K PSC, and the Finance Department, conveyed its concurrence to the referral of one thousand (1000) posts of Doctors to the J&K State Public
Service Commission for selection process under SRO 202 dated 30.06.2015 with the advice to consider mandatory rural posting of 5-7 years by these Doctors by way of obtaining agreement from them;

AND WHEREAS, in the meantime, the General Administration Department in pursuance of Rule (3) of the Jammu and Kashmir Special Recruitment Rules, 2015 issued vide SRO 202 dated 30-06-2015, notified these posts of Medical Officers (Gazetted) of Health and Family Welfare Department to be filled up on fast track recruitment policy subject to the implementation of the conditions contained in the concurrence of the Finance Department;

AND WHEREAS, the J&K Special Recruitment Rules, 2015 notified vide SRO 202 dated 30.06.2015 inter-alia, provide that the appointee shall have to necessarily work for a period of five years on the post against which he/she has been appointed and such appointee shall not be eligible for transfer for whatsoever reason during the temporary service of five years and also that any person appointed against any available vacancy on the basis of being a resident of backward area or an area adjoining line of actual control shall serve in such areas for a period of not less than seven years;

AND WHEREAS, the Health & Medical Education Department, vide communication No. HME/HRM/54/2013 dated 27.09.2018, referred one thousand (1000) vacancies of Medical Officers of the Jammu and Kashmir Health and Family Welfare (Gazetted) Service to the J&K Public Service Commission for making selections in consonance with the J&K Reservation Rules, 2005 (Amended) and also under SRO-202 dated 30.06.2018;

AND WHEREAS, during the earlier process of recruitment of Medical Officers it had been observed that a substantial chunk of selectees are undergoing PG/Senior Residency/Registrarship/Demonstratorship at the time of their selection and as a consequence, such selectees often plead for permission to continue their higher study courses. These posts, though substantively occupied, physically/practically remain vacant which in turn leads to great resentment in the public and consequent crisis of non availability of doctors in the concerned health institution in the rural/peripheral areas;

AND WHEREAS, taking cognizance of this issue also and in the interest of patient and health care, the State Administrative Council (SAC) took a policy decision on 14/11/2018 which provides that in future selections/appointments of Medical Officers, selectee Medical Officers
shall not be allowed to continue with PG/ tenures of Senior Residency/ Registrarship/ Demonstratorship and they will have only one choice either to opt for appointment or opt out and go for PG/ tenures of Senior Residency/ Registrarship/ Demonstratorship and consequent upon the decision of the SAC, Government Order No: 630-HME of 2018 dated 20-11-2018 was issued;

AND WHEREAS, these above referred posts were notified by the J&K PSC, vide Notification No. 12-PSC(DR-P)of 2018 dated 15.10.2018, for inviting applications from eligible candidates for selection against the advertised posts to be governed by the Jammu & Kashmir Special Recruitment Rules issued vide SRO-202 of 2015 dated 30.06.2015.

AND WHEREAS, the Petitioners knowingly/willingly applied for these advertised posts to be governed by the J&K Special Recruitment Rules, 2015 notified vide SRO 202 dated 30.06.2015.

AND WHEREAS, on 02.12.2018 PSC conducted written test of 2694 candidates for selection against the said posts of Medical Officers.

AND WHEREAS, the J&K Public Service Commission declared the result of said written test on 08.12.2018. The J&K Public Service Commission, vide communication No. PSC/Exam/MO(Allo)/2018 dated 21-12-2018 furnished the select list of 958 candidates, out of which recommendations in respect of 37 candidates were kept withheld;

AND WHEREAS, on the recommendations of the J&K Public Service Commission, vide Government Order No. 49-HME of 2019 dated 14/01/2019 sanction was accorded to the temporary appointment of nine hundred and twenty one (921) candidates as Medical Officers in the Jammu and Kashmir Health and Family Welfare (Gazetted) Service in the pay band of Rs. 9300-34800+GP 5400 ((pre-revised), now revised to Level-9 (52700-166700)), along with their postings, subject to the following conditions:

A) The appointment of the above candidates shall be strictly governed by the conditions laid down in the Jammu and Kashmir Special Recruitment Rules notified vide SRO 202 of 2015 dated 30.06.2015.

B) The appointee(s) shall not be allowed to continue with PG/ tenures of Senior Residency/ Registrarship/ Demonstratorship and they will have only one choice either to opt for appointment or opt out and go for PG/ tenures of Senior Residency/ Registrarship/ Demonstratorship in which case candidates from the waiting list will be considered for appointment.
C) The appointee(s) shall submit their joining reports to their concerned Drawing and Disbursing officers (DDOs) within a period of 21 days from the date of issuance of the appointment order and in case of failure of any appointee to join within the stipulated period, his/her appointment shall be deemed to have been cancelled ab-initio without any further notice.

D) The appointee(s) shall be allowed to join by the concerned Drawing and Disbursing officers (DDOs) only on production of the following certificates in original:-

i. Academic/Technical Qualification Certificates.
ii. Matriculation/Date of Birth Certificate.
iii. Health Certificate issued by the Standing Medical Board.
iv. Permanent Resident Certificate issued by the Competent Authority.
v. Certificates from the District Industries Centre (DIC) and District Employment & Counseling Centre to the effect that no loan under the self-employment scheme has been taken by the appointee.
vi. Relevant category certificate(s), (in case of candidates belonging to reserved categories).

vii. Any other certificates/documents as required under rules/norms.

E) The appointee(s) shall give an undertaking duly attested by the First Class Judicial Magistrate in the shape of an affidavit to the effect that in case adverse report about his/her character and antecedents is received from Inspector General of Police (CID), J&K to whom a reference shall be made by the Directorate Health Services Jammu/Kashmir, after the cases for such verifications are received from the concerned Drawing and Disbursing officers (DDOs), the candidate(s) shall have no right to claim his/her appointment as Medical Officer and his/her appointment as such shall be deemed to have been cancelled ab-initio without further notice.

F) If on verification, the Certificate(s) produced by the appointee(s) are proved to be fake or forged, the appointment shall be deemed to have been cancelled ab-initio without further notice.

G) The salary of the appointee shall not be drawn and disbursed to him/her unless the satisfactory reports in respect of (E) and (F) above are received in his favour.

H) The appointees shall be initially on probation for a period of Five (05) years and after completion of 05 years of their services, they shall be declared as permanent as per SRO 202 dated: 30.06.2015.
and J&K Civil Services (Classification, Control and Appeal) Rules 1956.

I) The appointees shall give an undertaking duly attested by the First Class Judicial Magistrate in the shape of an affidavit to the effect that:-

i. he/she shall abide by all the terms & conditions as laid down in the appointment order.

ii. he/she shall not claim for any kind of leave, permission or exception to continue with his/her PG/ tenures of Senior Residency/ Registrarship/ Demonstratorship.

iii. he/she shall necessarily work for a period of Five (05) years of probation on the post against which he/she has been appointed.

iv. he/she shall not be eligible for transfer for whatsoever reason during the temporary service of 05 years and in case of candidates who are residents of backward area or an area adjoining Line of Actual Control, for a period of not less than seven years.

v. he/she shall be liable for action as warranted under rules for violating any of the laid down conditions in the appointment order.

J) The interim arrangement, if any, made on contract/deputation or an academic arrangement basis against the aforesaid posts of Medical Officers shall be deemed to have been terminated forthwith.

K) The inter-se-seniority of the appointees shall be drawn in accordance with the merit secured by these appointees in the selection list prepared by the J&K Public Service Commission.

L) The appointment of the candidates shall be subject to outcome of the writ petition(s), if any, pending before any Competent Court of Law.

AND WHEREAS, aforesaid Government order was challenged before the Hon’ble High Court in both wings Srinagar/Jammu by way of various writ petitions;
AND WHEREAS, the Hon'ble High court passed directions in these writ petition from time to time, the department after examining/considering the orders of the Hon'ble Court passed in these writ petitions passed following directions vide Government Order No: 174-HME of 2019 dated 12-02-2019:--

"Now, therefore, in compliance to aforesaid directions of Hon'ble High Court at Srinagar passed in various writ petitions, the case of the petitions have duly been considered and it is hereby ordered that the petitioners/appointees shall not be allowed to continue with PG/tenures of Senior Residency/Registrarship/ Demonstratorship and they will have only one choice either to opt for appointment or opt out and go for PG/tenures of Senior Residency/Registrarship/Demonstratorship. Accordingly, all the petitioner in this regard are directed to report at their place of postings ordered vide Government Order No: 49-HME of 2019 dated 14-01-2019 with in a period of 10 days from the date of issuance of this order failing which their appointments shall be deemed to have been cancelled ab-initio and candidates from the waiting list will be considered for appointment without any further notice."

AND WHEREAS, Hon'ble High Court on 19.02.2019 dismissed the application in SWP No. 249/2019, IA No. 01/2019 IA No. 02/2019-titled Dr. Aezaz Ahmad Bhat Ors Vs State of J&K & Ors with following observations:--

"Admittedly, the selection and appointment of the petitioners has been made in terms of Jammu & Kashmir Special Recruitment Rules, 2015, notified vide SRO 202 of 2015 and by application of the said rules, there is no scope for the petitioners to seek extension in joining time from the Court. Court cannot pass a direction by extending the period of joining till petitioners complete their PG Course/tenure appointments as Registrarship/Senior Residency/Demonstratorship, which in case allowed will amount to interference with the decision of the Government. The Government has while making appointments of the petitioners on the recommendations of the PSC, against the post of Medical Officers, consequently posted them in various areas of the State of J&K and provided the joining time with the object of making available the doctors in the most far flung and other areas of State of J&K. The requirement for providing doctors to the patients in the State of J&K is in fulfillment of dire need of such areas, therefore, these appointments are made with reference to special creations under the Special Recruitment Rules. The word 'Special' in the recruitment rules by its simple meaning has reference to involving the public interest. Therefore, the Government in order to meet the public interest, have made these appointments and postings of the petitioners. In the event, the submission of learned appearing counsel for the petitioners is accepted and any indulgence shown by grant of interim relief, same will amount to depriving the patient care of the far flung areas from Medical Officers. The posts cannot be kept unfilled on account of non-availability of these petitioners who are hundreds in number, resultantly keeping the Government Health Institution in far flung areas without Doctors.

The petitioner are undergoing PG course in difference disciplines of medical education at various institutes and in the event they join the past, they have
to half way leave the course, resultantly as submitted by Mr. Z.A. Shah, senior counsel appearing for the petitioners may deprive them of having higher education qualification medical degrees, but it is for the petitioners to decide as to whether they want to continue with PG course/tenure appointments as Registrarship/Senior Residency/Demonstratorship or to join the post of Medical Officers against which post they have been appointed on the recommendation of Public Service Commission. In the event the petitioners chose not to join the posts, the Government cannot be asked to keep these posts vacant, as they require the Doctors, therefore, they are at liberty to fill up these posts out of the waiting list, so as to ensure making available the Medical Officers to the patients in the far flung areas. In that view of the matter, the application seeking interim relief is dismissed."

AND WHEREAS, Dr. Saddaf Amin has filed SWP No. 385/2019, IA No. 1/2019, titled Dr. Saddaf Amin Vs State and others before the Hon'ble High Court at Jammu wherein the petitioner has prayed as under:

i) Writ of mandamus commanding the respondents to consider the leave application and grant two years leave to the petitioner with pay or without pay as the petitioner is undergoing PG Course in ENT discipline/Senior Residency/Registrarship/Demonstratorship in Government Medical College, Jammu. With further prayer to consider the application of the petitioner dated 05-03-2019 for grant of two years leave for undergoing the PG course in Government Medical College, Jammu. And may consider the sanction of leave in favour of the petitioner on the similar situated person who were permitted to complete PG courses vide Order No: HD/Legal/Gaz/MR/38/2015 dated 25-09-2017, in which study leave under SRO 274 of 2013 was granted in favour of Medical Officers willing to pursue PG courses and also on the analogy of other Medical Officers who were permitted vide Order No: 630-HME of 2018 dated 20-11-2018. May quashing the condition No.B appearing in Government Order No.49-HME of 2019 dated 14-01-2019 and such other conditions which prevents the petitioner from completing her Post Graduation Courses/Tenure appointment as Registrarship, Senior Residents, Demonstratorship in GMC Jammu.

ii. Writ of prohibition, prohibiting the respondents from passing any adverse order against the petitioner.

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

AND WHEREAS, Hon'ble High Court has passed interim order dated 8-03-2019 in SWP No. 385/2019, IA No. 1/2019-titled Dr. Saddaf Amin Vs State of J&K & Ors which reads as under:

"The petitioner has been appointed as a Medical Officer and has submitted her joining report on 26-02-2019. It appears that the petitioner was also undergoing a Post Graduation Course in the ENT Department, GMC Jammu. The case set-up by the petitioner is that she is entitled to study leave in terms
of SRO-274 of 2013 and the period during which she is pursuing her Post Graduation is to be treated as "on Leave" of whatever kind.

Issue notice in the main as also in IA.

List again on 20-03-2019.

Meanwhile, subject to objections, the respondents shall consider the case of the petitioner strictly in terms of SRO-274 of 2013 and pass appropriate orders within a period of one week."

AND WHEREAS, on the reports of Directorates of Health Services, Jammu/Kashmir a notice dated 14-03-2019 was issued by the H&ME Department in respect of those Medical Officers including Dr. Saddaf Amin appointed on the recommendations of the J&K Public Service Commission, vide Government Order No 49-H&ME of 2019 dated 14/01/2019, who had submitted their joining reports but were not physically continuing at their respective place of postings, by giving them last and final opportunity to resume their duties at their respective place of postings within a period of 7 days, from the date of issuance of the notice, failing which they shall be deemed to have been discharged from the probation in pursuance of J&K Classification, Control & Appeal Rules, 1956;

AND WHEREAS, Dr. Saddaf Amin has filed another SWP No. 602/2019, IA No. 1/2019 & Caveat No.1254/2019 titled Dr. Saddaf Amin Vs State and others before the Hon’ble High Court at Jammu wherein the petitioner has challenged the notice issued by Respondent No.1(H&ME Department) vide No: HD/Gaz/204-2018-III dated 14-03-2019;

AND WHEREAS, Hon’ble High Court has passed interim order dated 26-03-2019 in SWP No. 602/2019, IA No. 1/2019 & Caveat No.1254/2019 -titled Dr. Saddaf Amin Vs State of J&K & Ors which reads as under:

"The petitioner has called in question the notice issued by respondent No. 1 vide his No HD/Gaz/204/2018-III dated 14.03.2019, whereby, the petitioner along with others have been granted last and final opportunity to resume their duties on their respective place of postings within a period of 07 days, from the date of issuance of the notice making it clear to them that in case of their failure, they shall be deemed to have been discharged from the probation in pursuance of classification, control & Appeal Rules, 1956.

The case set up by the petitioner is that the petitioner has already submitted his joining report in the District Hospital, Reasi, where the petitioner has been posted and has also applied for study leave in terms of SRO-274 of 2013. It is submitted that when the request of the petitioner for grant of study leave is not accepted by the respondents, he filed SWP NO. 385/2019 before this court in which this court vide its order dated 08.03.2019 directed
the respondents to consider the case of the petitioner strictly in terms of SRO-274 of 2013 and pass appropriate orders within a period of one week.

The grievances, however, is that without according any consideration to the case of the petitioner, the respondents have issued the impugned notice threatening to discharge him from service for his failure to resume his duties at his place of posting.

Notice.

Mr H.A Siddqui, learned Sr. AAG accepts notice on behalf of the respondents, who shall file objections within four weeks.

List on 17.05.2019

Meanwhile, subject to objections from the other side and till next date before the Bench, it is provided that the impugned notice qua the petitioner shall not be given effect to, till his case for study leave in terms of SRO-274 of 20.13 is considered and appropriate order in terms of order dated 08.03.2019 passed in SWP No. 385/2019 is passed.”

AND WHEREAS, one more doctor namely Dr. Manvinder Singh has filed SWP No. 285/2019, IA No. 01/2019 titled Dr. Manvinder Singh Vs State and others before the Hon’ble High Court at Jammu wherein the petitioner has prayed as under:-

a) Allow the present writ petition.

b) Certiorari, seeking to quash Govt. Order No.49-HME of 2019 dated 14-01-2019, to the extent, it provides that in future selection/appointments of Medical Officers, Selectee Medical Officer shall not be allowed to continue with PG/Tenures of Senior Residency/Registrarship/Demonstratorship and they would have only one choice either to opt for appointment or opt out and go for PG/Tenures of Senior Residency/Registrarship/Demonstratorship;

c) Mandamus directing the respondents to allow the petitioner to continue in p.G in the discipline of ENT in S.M.G.S Jammu, by keeping appointment of the petitioner to the post of Medical Officer made vide Govt Order No. 49-HME of 2019 dated 14.01.2019

d) Mandamus directing the respondents to treat the petitioner as in-service doctor for the period he is undergoing P.G Medical course in S.M.G.S Jammu which he was pursuing at the time of his selection and appointment to the post of Medical Officer made vide Govt Order No. 49-HME of 2019 dated 14.01.2019

e) Any other writ, direction or order to which this Hon’ble court may deem just and proper in the facts and circumstances of the case be passed in favour of the petitioner and against the respondents.
AND WHEREAS, the Hon’ble High Court has passed interim order dated 08-03-2019 in SWP No. 285/2019, IA No. 01/2019 titled Dr. Manvinder Singh Vs State & Ors which reads as under:-

"The petitioner has been appointed as a Medical Officer and has submitted his joining report. It appears that the petitioner was also undergoing a Post Graduation Course in the ENT Department, SMGS Hospital, Jammu. The case set-up by the petitioner is that he is entitled to study leave in terms of SRO-274 of 2013 and the period during which he is pursuing his Post Graduation is to be treated as “on Leave” of whatever kind.

Issue notice in the main as also in IA.

List again on 20-03-2019.

Meanwhile, subject to objections, the respondents shall consider the case of the petitioner strictly in terms of SRO-274 of 2013 and pass appropriate orders within a period of one week."

AND WHEREAS, the department have also received representations wherein unemployed doctors have requested that in no case candidates pursuing their PG courses should be allowed to join as Medical Officers as they intend to block the posts and go back to continue their PG courses and have also requested that the residual vacancies may be filled up from the waiting list.

AND WHEREAS, Rule 61 of the J&K Civil Service (Leave) Rules, 1979, reads as under:-

(1) **Study leave may be granted to a Government servant with due regard to the exigencies of public service to enable him to undergo in or out of India a special course of study consisting of higher studies or specialized training in a professional or technical subject having a direct and close connection with sphere of his duty.**

(2) **Study leave may also be granted:-**

(i) for a course of training or study tour in which a Government Servant may not attend a regular academic or semi-academic course if the course of training or the study tour is certified to be of definite advantage to Government from the point of view of public interest and is related to sphere of duties of the Government servant; and

(ii) for the purpose of studies connected with the framework or background of public administration subject to the conditions that:-

(a) the particular study tour should be approved by the authority competent to grant leave; and
(b) the Government servant would be required to submit on his return a full report on the work done by him while on study leave;

(iii) for the studies which may not be closely or directly connected with the work of a Government servant, but which are capable of widening his mind in a manner likely to improve his abilities as a civil servant and to equip him better to collaborate with those employed in other branches of the public service.

(3) Study leave shall not be granted unless:-

(i) It is certified by the authority competent to grant leave that the proposed course of study or training shall be of definite advantage from the point of view of public interest;

(ii) It is for prosecution of studies in subjects other than academic or literary; and

(iii) It is for prosecution of studies in such specialties and subject in which there may be dearth of officers in a Department;

(iv) The Department of Economic Affairs of the Ministry of Finance, Government of India agrees to the release of foreign exchange involved in the grant of study leave, if such leave is outside India.

Study leave out of India shall not be granted for prosecution of studies in subjects for which adequate facilities exist in India or under any of the scheme administered by the Government of India.

(4) Study leave shall not ordinarily be granted to a Government servant:-

(i) Who has rendered less than three year's service under the Government or till he/she, if probationer, does not complete the period of probation satisfactorily whichever is later.

(ii) Who is due to retire or has the option to retire from the Government service within three years of the date on which he is expected to return to duty after the expiry of the leave.

(5) Study leave shall not be granted to a Government servant with such frequency as to remove him from contact with a regular work or to cause cadre difficulties owing to his absence on leave.

AND WHEREAS, in terms of Rule 62 of the J&K Civil Service (Leave) Rules, 1979 read with SRO 346 dated 17.10.2012, the maximum amount of Study Leave, which may be granted to a Government Servant shall be:-

a) ordinarily twelve months at any one time; and

b) during his entire service thirty-six months in all (inclusive of similar kind of leave for duty or training granted under any other rules).
AND WHEREAS, in terms of Rule 73 of the J&K Civil Service (Leave) Rules, 1979 read with SRO 274 dated 30.05.2013, Authority Competent to sanction study leave shall be as under:-

(1) The concerned Administrative Department shall be competent to sanction the study leave under these rules within the State.

(2) The General Administration Department on the recommendations of the Administrative Department concerned and with the consent of the Finance Department may grant study leave under these rules for purpose of study outside the State within India.

(3) Cases for study leave outside India will be sanctioned by the Government on the recommendations of the committee prescribed for the purpose and with the concurrence of the Finance Department.

AND WHEREAS, Article 24 of the Constitution of Jammu & Kashmir provides that the State shall make every effort to safeguard and promote the health of the people by advancing public hygiene and by prevention of disease through sanitation, pest and vermin control, propaganda and other measures, and by ensuring widespread, efficient and free medical services throughout the State and, with particular emphasis, in its remote and backward regions.

AND WHEREAS, the Public Interest Litigation bearing PIL No.16/2018 titled Balvinder Singh Vs State of J&K and Others has been filed before the Hon'ble Court wherein the petitioner among other prayers also prayed for following relief:-

"Commanding the respondents to undertake fast track recruitments of Medical Officers/ Dental Surgeons/ Specialists /Consultants and para-medical staff so that the vacant slots are filled up in all the Health Institutions;"

AND WHEREAS, the Hon'ble Court on 20.11.2018 passed the following order in the aforesaid Public Interest Litigation:

"The respondents shall place a status report regarding the steps taken to fill up the vacancies and the expected date by which the vacancies shall be filled up before this Court on the next date. The status report shall be filed in a tabulated form by adding the information furnished by the petitioner in paragraph No's 5 to 26 of the writ petition. The status report shall include the details with regard to the posts of Consultants and Dental Surgeons."
AND WHEREAS, Hon'ble Supreme Court in the case titled Paschim Banga Khet Mazdoor Samity Vs State of West Bengal, AIR 1996 SC 2426: (1995)6 SCC 213 has ruled that the constitution envisages establishment of a welfare state, and in a welfare state, the primary duty of the Government is to provide adequate medical facilities for the people. The Government discharges this obligation by running hospitals and health centers to provide medical care to those who need them. Article 21 imposes an obligation on the state to safeguard the right to life of every person. Preservation of human life is thus of paramount importance.

AND WHEREAS, this whole recruitment process of Medical Officers has been completed within a period of three months with the sole purpose to remove the crisis of non-availability of doctors and consequently to provide better health care facilities to the people living in peripheral and far flung areas of the State.

AND WHEREAS, any deviation from Govt. Order No 49-HME of 2019 dated 14.01.2019 will be against the interest of general public and is bound to defeat the very purpose of providing healthcare facilities to the people living in peripheral/far flung areas of the state, thereby infringing upon their right to live with dignity as established under Article 21 of the constitution of India.

AND WHEREAS, the Government after examining/considering the directions passed by the Hon'ble High Court at Jammu in aforesaid Writ Petitions and also in similarly situated writ petitions and taking into account law on the subject and the facts and circumstances explained above and also in the interest of health and patient care has decided that the petitioners/appointees shall not be allowed to continue with PG/ tenures of Senior Residency/ Registrarship/ Demonstratorship and they will have only one choice either to opt for appointment or opt out and go for PG/ tenures of Senior Residency/ Registrarship/ Demonstratorship in which case candidates from the waiting list will be considered for appointment.

Now, therefore, in compliance to the aforesaid directions of Hon'ble High Court at Jammu passed in various writ petitions, the case of the petitioners have duly been considered in accordance with the J&K Civil Service (Leave) Rules, 1979 read with SRO 274 dated 30.05.2013 and it is hereby ordered that the petitioners/appointees shall not be allowed to continue with PG/ tenures of Senior Residency/ Registrarship/ Demonstratorship and they will have only one choice either to opt for appointment or opt out and go for PG/ tenures of Senior Residency/ Registrarship/ Demonstratorship. Accordingly, the petitioners whose
particulars are given below are hereby directed to report at their place of postings ordered vide Government Order No: 49-HME of 2019 dated 14-01-2019 within a period of 07 days from the date of issuance of this order failing which their appointments shall be deemed to have been cancelled ab-initio and candidates from the waiting list will be considered for appointment without any further notice:

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<tr>
<th>S. No</th>
<th>S. No. in the G.O No:49-HME of 2019 dated: 14-01-2019</th>
<th>Name</th>
<th>Parentage</th>
<th>Address</th>
<th>Category</th>
<th>PLACE OF POSTING</th>
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<td>1.</td>
<td>706</td>
<td>SADDAF AMIN</td>
<td>AMIN BHAT</td>
<td>WARD NO. 07 MUSLIM MOHALLA REASI</td>
<td>SLC</td>
<td>DH REASI</td>
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<td>2.</td>
<td>821</td>
<td>MANVINDER SINGH</td>
<td>MANOHAR SINGH</td>
<td>HOUSE NO-130 LANE-6 SECTOR-1, GIRI TEHRAH BAHADUR NAGAR CHANNI RAMA</td>
<td>SC</td>
<td>PHC KOT CHADWAL RAJOURI</td>
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By order of the Government of Jammu & Kashmir:

Sd/-

(Atal Dulloo) IAS
Principal Secretary to the Government
Health & Medical Education Department

Dated:-23-04-2019

No. HD/ legal/ Gaz/MR/28/2019
Copy to the:-
1. Ld. Advocate General, J&K.
2. Secretary, J&K Public Service Commission, Jammu.
3. Director, Health Services, Jammu.
4. Director, Health Services, Kashmir.
5. Director, Information, J&K Jammu. He is requested to give wide publicity to the Order.
7. OSD to Advisor(K) to Hon'ble Governor.
8. Concerned officer.
9. Private Secretary to Principal Secretary to the Government, Health & Medical Education Department.
10. I/C Website Health & Medical Education Department.

(Rohit Sharma)KAS
Deputy Secretary to the Government
Health & Medical Education Department