



Government of Jammu and Kashmir
Health & Medical Education Department

Civil Secretariat, Srinagar.

Subject: Policy/Guidelines regarding undergoing of higher study courses viz Registrarship, Demonstratorship, Senior Residency, PG, Diploma, tutor etc by in-service doctors.

Circular No: **03**-HME of 2019
Dated: 27.05.2019

WHEREAS, a 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. Accordingly, the Health and Medical Education Department attempted to fill up these vacancies of Medical Officers through J&K PSC with the prior consent of Finance Department and General Administration Department;

AND WHEREAS, recently nine hundred twenty one (921) Medical Officers were appointed on the recommendations of J&K Public Service Commission 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, despite the aforesaid endeavor of the department, appointments of the majority of these Medical Officers (appointees) were cancelled due to their non joining or resignations were tendered within few months after their appointments;

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;

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AND WHEREAS, taking cognizance of this issue 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, Rule 61(1), (4) & (5) 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.
- (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, Section 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, 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

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state to safeguard the right to life of every person. Preservation of human life is thus of paramount importance;

AND WHEREAS, many in-service doctors are intending to undergo PG/ tenures of Senior Residency/ Registrarship/ Demonstratorship etc within or outside the state on repetition basis in the same or different discipline or before completion of prescribed period of probation, which is 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, Hon'ble High Court, at Srinagar vide its decision dated 31-05-2016 in SWP No 2355/2015 has directed to strictly adhere to the Rules and Government Order No.164-HME of 2012 while selecting/deputing doctors of Department of Health to tenure posts of Registrar/Demonstrator/Senior Residency.

AND WHEREAS, the matter has also been deliberated by the departmental designated committee headed by Director Finance, H&ME Department (Chairman) constituted vide Government Order No. 511-HME of 2018 dated 13.09.2018, who also recommended to restrict such practice of the doctors for undergoing PG/ tenures of Senior Residency/ Registrarship/ Demonstratorship etc within or outside the State on repetition basis in the same or different discipline;

Now, therefore, taking above circumstances into consideration and in the interest of health and patient care, the following instructions are brought to the notice of all concerned for strict compliance:-

1. The concerned HoD shall not forward/recommend any case of doctor intending to appear in the selection process by NEET or Senior Residency/Registrarship/Demonstratorship/PG/Diploma etc unless or until concerned doctor has completed prescribed period of probation or 3 years of service, whichever is later and is intending to undergo such course for the first time during his/her service for which a categoric certificate shall be furnished by the concerned HoD.
2. The concerned HoD while forwarding/recommending case of any eligible doctor shall also ensure that in absence of such doctor, health care facilities are not defeated and proper internal arrangement is made for looking after his/her duties.
3. The concerned eligible doctors shall submit their cases through the concerned HoD well within the prescribed time fixed by the selection agencies alongwith all service particulars enabling Administrative Department to take decision prior to cut-off date, as the case may be.

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4. The concerned HoD shall furnish a specific certificate stating that the work & conduct and punctuality of the said doctor has remained satisfactory during his past service.
5. The concerned eligible doctors shall in no case appear/undergo any such selection process at their own without adhering to the aforesaid guidelines, failing which disciplinary action shall be initiated against the said doctor.
6. The concerned HoD, shall ensure that all other conditions as laid down in Government Order No: 164-HME of 2012 dated 02-03-2012 are observed/fulfilled strictly.

Sd/-

(Atal Dulloo) IAS

Principal Secretary to the Government
Health & Medical Education Department

Dated:- 27-05-2019

No. HD/ Gaz/Gen/07/2019

Copy to the:-

1. Ld. Advocate General, J&K.
2. Director, SKIMS, Soura, Srinagar.
3. Principal, GMC Jammu, Kathua, Rajouri, Doda, Srinagar, Baramulla, Anantnag.
4. Director, Health Services, Jammu.
5. Director, Health Services, Kashmir.
6. Direction Information, J&K Srinagar.
7. Director, Archives, Archaeology & Museums, J&K, Srinagar.
8. Director, Finance, H&ME Department.
9. OSD to Advisor(K) to Hon'ble Governor.
10. All Concerned.
11. Private Secretary to Principal Secretary to the Government, Health & Medical Education Department.
12. I/C Website Health & Medical Education Department.

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27/5/2019
(Mohammad Iqbal Lone)

Under Secretary to the Government
Health & Medical Education Department

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