

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

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Subject: Implementation of judgment dated 30-07-2019 passed by the Hon'ble High Court in WP(C) No. 2553/2019, CM No. 4967/2019 titled Dr. Abdul Roof & Ors. Vs State & Ors- Constitution of a Committee for examining cases of doctors for issuing NOC in favour of such eligible in service Medical Officers desirous of undergoing higher study courses/applying against the tenure posts.

**Circular No. 02 -JK(HME) of 2020**  
**Dated: 20-01- 2020**

In pursuance of Government Order No: 905-HME of 2019 dated 17-10-2019, a Departmental Committee, comprising the following officers, has been constituted to examine the cases of doctors for issuing NOC in favour of eligible in-service Medical Officers desirous of undergoing higher study courses/applying against the tenure posts:-

1.	Director Finance, Health & Medical Education Department.	Chairman
2.	Additional Secretary to the Government, Health & Medical Education Department. <b>(Dealing with Health Gazetted Section)</b>	Member
3.	Deputy Secretary/Under Secretary to the Government, Health & Medical Education Department. <b>(Dealing with Health Gazetted Section)</b>	Member Secretary
4.	Deputy Director (HQ), Director Health Services, Kashmir.	Member
5.	Deputy Director (HQ), Director Health Services, Jammu.	Member
6.	Personal Officer, Government Medical College, Srinagar.	Member
7.	Personal Officer, Government Medical College, Jammu.	Member

The terms of references of the aforesaid committee are as under:-

- (i) The Committee shall scrutinize the applications received from the in-service Medical Officers/other doctors and on proper consideration and having regard to the guidelines framed vide Circular No. 03-HME of 2019 dated 27-05-2019 with reference to providing quality health care facilities to the general public as also the rights and interests of these eligible Medical Officers/other doctors, make recommendations in favour of eligible Medical Officers/other doctors

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for undergoing higher study Courses/applying against tenure posts in a particular year on the basis of seniority.

- (ii) The Health and Medical Education Department shall, thereafter, consider the recommendations of the Committee and finalize the list of Medical Officer/other doctors with reference to grant of NOC in the last week of February of each year.
- (iii) No application form of any in-service Medical Officer/other doctors shall be entertained after the aforesaid process is completed.

Accordingly, formal applications in a devised proforma **(Annexure-A Part-I)** are invited from desirous/intending eligible in-service doctors of J&K Health & Family Welfare (Gazetted) Service for undergoing higher study courses/applying against the tenure posts during the calendar year 2020, for examining/considering such cases as per laid down criteria for submitting recommendations with regard to their eligibility for grant of NOC by the Administrative Department subject to following conditions:-

1. The NOC shall be issued consequent to fulfillment of conditions as envisaged in Policy/Guidelines issued by the Health & Medical Education Department vide Circular No: 03-HME of 2019 dated 27-05-2019, which are reproduced below:-
  - a) 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.
  - b) 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.
  - c) 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.
  - d) 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.

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- e) 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.
- f) 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.

**Procedure/Calendar to be followed:**

2. He/She shall submit formal application in the devised proforma (**Annexure-A Part-I**) duly authenticated by the concerned DDO's and rout it through concerned Directorates of Health Services, Jammu/Kashmir **by or before 31<sup>st</sup> of January 2020** and after cut-off date no such application/request shall be entertained for the **calendar year 2020**.
3. Concerned Directorates of Health Services, Jammu/Kashmir shall forward cases in the devised proforma (**Annexure-A Part-II**) to the Administrative Department in respect of only eligible doctors who fulfill laid down criteria as per policy/guidelines **by or before 5<sup>th</sup> of February, 2020** and after cut-off date no such application shall be forwarded for the **calendar year 2020**. However, doctors appointed in terms of SRO-202 dated 30-06-2015 shall be eligible only after completion of their prescribed period of probation i.e. 05/07 years.
4. Applying for NOCs shall not confer any preferential right to the concerned eligible doctors for allowing/relieving/joining the intending course/training which shall be examined/decided only after his selection as per norms governing the subject and recommendations of the departmental Committee constituted for the purpose.
5. Any doctor who deviates from the aforesaid procedure and leaves his/her place of posting un-authorizedly without seeking prior NOC/Permission from the Administrative Department for undergoing such higher

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study courses / tenure postings (Registrarship / Demonstratorship / Tutor / Sr. Residency etc.) shall be liable for disciplinary proceedings without any further notice.

**By Order.**

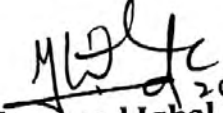
Sd/-  
**(Atal Dulloo) IAS**  
Financial Commissioner,  
Health & Medical Education Department

Dated:- 20-01-2020

No. HD/Gaz/Gen/198/2019

Copy to the:-

1. Principal Secretary to the Hon'ble Lieutenant Governor, J&K.
2. Joint Secretary (J&K), Ministry of Home Affairs, Government of India, New Delhi.
3. Director Information, J&K Jammu. **She is requested to give wide publicity to this Circular in atleast two leading dailies of Jammu/Kashmir based Newspapers as well as in one National leading newspaper.**
4. Principal Government Medical College Jammu/Srinagar/Anantnag/Doda/Baramulla/Rajouri/Kathua.
5. Director, Health Services, Kashmir.
6. Director, Health Services, Jammu.
7. Director Finance, Health & Medical Education Department.
8. Additional Secretary to Government, Health & Medical Education Department.
9. OSD to Advisor(B) to the Hon'ble Governor, J&K.
10. Private Secretary to Financial Commissioner, Health & Medical Education Department.
11. I/C Website Health & Medical Education Department.
12. Government Order File/Stock File.

  
**(Mohammad Iqbal Lone)**  
20/1/2020  
Under Secretary to the Government  
Health & Medical Education Department

# (Annexure-A Part-I)

## Proforma

S. No.	Details/Information to be filled up by the concerned doctor	
1.	Name of the Doctor:	
2.	Permanent Address:	
3.	Present Address:	
4.	Name of post against which initially appointed alongwith Government Order No. and date: (Documentary evidence to be enclosed i.e. relevant page(s) of Service Book duly authenticated by the concerned DDO)	
5.	Present designation:	
6.	Place of posting:	
7.	Date of Birth: (Documentary evidence to be enclosed i.e. relevant page(s) of Service Book duly authenticated by the concerned DDO)	
8.	Date of initial appointment: (Documentary evidence to be enclosed i.e. relevant page(s) of Service Book duly authenticated by the concerned DDO)	
9.	Date of appointment or promotion to present post alongwith Government Order No. and date: (Documentary evidence to be enclosed i.e. relevant page(s) of Service Book duly authenticated by the concerned DDO).	
10.	Present Pay Scale: (Documentary evidence to be enclosed i.e. relevant page(s) of Service Book duly authenticated by the concerned DDO)	
11.	Whether the concerned doctor has fully gone through the eligibility criteria laid down in Circular instructions:	
12.	Name of the course of study / training / tenure posting:	
13.	Duration of the course of study/ training / tenure posting:	
14.	Confirmation letter from the University/College/Institution:	
15.	Name of the University/College/Institution:	
16.	The doctor shall have no superior claim over his seniors for consideration of promotion after acquiring higher/ additional qualification: (Undertaking from the applicant duly attested by Ist Class Judicial Magistrate).	

Name & Signature of the doctor

**(Annexure-A Part-II)**  
**Details/Information to be certified by the concerned**  
**Director, Health Services, Jammu/Kashmir.**

S. No.	
17.	Whether the intending course of study/ training / tenure posting is recognized or not:
18.	Date of commencement of the course of study / training / tenure posting:
19.	Whether on probation or confirmed:
20.	Whether the doctor has completed prescribed period of probation or 3 years of service, whichever is later:
21.	Name of the service to which belongs:
22.	Number of year of service:
23.	Whether the University/College/Institution is recognized or not:
24.	Leave or otherwise required (duration) from to :
25.	Whether the doctor has taken study leave earlier, if so, details thereof:
26.	Whether the case is genuine and course of study / training / tenure posting has due regard to the exigencies of public service and would be of definite advantage to the department:
27.	Whether the said course of study / training / tenure posting is prosecution of studies in subjects other than academic or literary:
28.	Whether the doctor submitted the Bond(s) as required under Study Leave Rules, if the applicant is applying for higher course on study leave:
29.	Whether the work of the doctor, on account of his/her undergoing higher studies or training course, shall be managed through internal arrangement:
30.	Whether the doctor intending to undergo course of study/ training / tenure posting 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:
31.	Whether there is any enquiry pending or contemplated against the concerned doctor, if so, details thereof:
32.	Whether the concerned HoD is fully satisfied with the eligibility of the doctors with respect to fulfillment of laid down terms and conditions on the subject.

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**Seal & Signature of the**  
**Head of Department**