

Government of Jammu and Kashmir
Health & Medical Education Department

Civil Secretariat, J&K, Jammu.

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. 19-JK(HME) of 2020
Dated: 31-12- 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. (Dealing with Health Gazetted Section)	Member
3.	Deputy Secretary/Under Secretary to the Government, Health & Medical Education Department. (Dealing with Health Gazetted Section)	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

Accordingly, formal applications in a devised proforma **(Annexure-A)** are invited from desirous/intending eligible in-service doctors of J&K Health & Family Welfare (Gazetted) Service for seeking NOC for participating in the selection process for undergoing higher study courses/tenure posts during the calendar year 2021.

The aforesaid designated committee shall examine/consider such cases as per laid down policy/guidelines for submitting recommendations with regard to their eligibility for grant of NOC by the Administrative Department and following procedure/calendar is to be adopted for the purpose:-

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Procedure/Calendar to be followed:

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 read with Circular No. 18-HME of 2020 dated 29-12-2020, which are briefly reproduced below:-

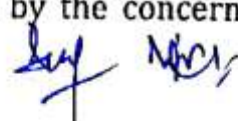
- a) The concerned HoD shall not entertain any case of doctor intending to appear in the selection process by NEET/NBE etc for undergoing higher study course **within/outside UT of J&K**, unless and until concerned doctor has completed prescribed period of **5 years of service** (Pre-requisite for study leave) as on 1st of January, 2021 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 shall not entertain any case of doctor intending to appear in the selection process for tenure posts viz Senior/Junior Residency/Registrarship/Demonstratorship/ Fellowship/ Tutorship etc **within UT of J&K**, unless and 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.
- c) The concerned HoD shall furnish a specific certificates in respect of intending doctors viz, work & conduct, integrity, no pending enquiry, no pending court case and report on his/her punctuality during his/her past service.
- d) The Director Health Services Jammu/Kashmir while forwarding/recommending case of any eligible doctor(whether posted in Health Services, Department or working on deputation basis) 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.
- 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 such doctor.
- f) The Director Health Services Jammu/Kashmir, 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.

2. Concerned doctor(s) shall submit their application in a devised proforma (**Annexure-A**) duly authenticated by the concerned DDO's









and route it through concerned Directorates of Health Services, Jammu/Kashmir **by or before 15th of January 2021**. After cut-off date, no such application/request shall be entertained by the concerned HoD for the **calendar year 2021**, failing which concerned HoD shall be held responsible for such lapse.

3. Concerned doctor(s) shall submit an undertaking duly authenticated by the 1st Class Judicial Magistrate to the effect that he/she has gone through the contents of Policy/Guidelines on the subject and shall abide by the laid down terms & conditions/instructions issued by the Health & Medical Education Department from time to time.
4. Concerned Directorates of Health Services, Jammu/Kashmir shall certify details of each eligible doctor, who fulfill laid down criteria as per policy/guidelines in the devised proforma (**Annexure-B**).
5. Consequent upon above, concerned Directorates of Health Services, Jammu/Kashmir shall submit consolidated list of all such eligible doctors to the Administrative Department in a devised proforma (**Annexure-C**) **by or before 25th of January 2021**. No case shall be entertained/processed by the Administrative Department if forwarded/recommended by other than Director Health Services, Jammu/Kashmir.
6. 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/her selection, as per norms governing the subject and recommendations of the departmental Committee constituted for the purpose.
7. 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 participating in selection process or undergoing of higher study courses/tenure postings (Senior/Junior Residency/Registrarship/Demonstratorship/Fellowship/Tutorship etc.), shall be liable for disciplinary proceedings without any further notice.
8. Concerned Director, SKIMS Soura/Principal, SKIMS Medical College, Bemina/All Principals of Government Medical Colleges/Government Dental Colleges/ASCOMS Jammu of the UT of J&K shall ensure that only such in-service doctors of Health and Medical Education Department are being allowed to participate in selection process in whose favour NOC of the Administrative Department has been issued for which an undertaking duly authenticated by 1st Class Judicial Magistrate shall be

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by M. H. J.

obtained from concerned doctors. Besides, such NOC shall, in no case, be entertained as permission for relieving/joining the intending course which shall be examined on case to case basis by the Administrative Department on the recommendations of the concerned Directorates.

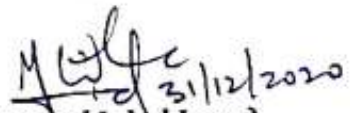
Sd/-
(Atal Dulloo) IAS
Financial Commissioner,
Health & Medical Education Department

Dated:- 31-12-2020

No. HD/Gaz/Gen/198/2019

Copy to the:-

1. Principal Secretary to the Lieutenant Governor, J&K.
2. Joint Secretary (J&K), Ministry of Home Affairs, Government of India, New Delhi.
3. Director, SKIMS Soura, Srinagar.
4. 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.**
5. Principal Government Medical College Jammu/Srinagar/Anantnag/Doda/Baramulla/Rajouri/Kathua.
6. Principal SKIMS Medical College, Bemina.
7. Principal Government Dental College, Srinagar.
8. Principal Indira Gandhi Government Dental College, Jammu.
9. Principal ASCOMS, Jammu.
10. Director, Health Services, Kashmir.
11. Director, Health Services, Jammu.
12. Director Finance, Health & Medical Education Department.
13. Additional Secretary to Government, Health & Medical Education Department.
14. OSD to Advisor(B) to the Lieutenant Governor, J&K.
15. Private Secretary to Financial Commissioner, Health & Medical Education Department.
16. I/C Website Health & Medical Education Department.
17. Government Order File/Stock File.


(Mohammad Iqbal Lone)

Under Secretary to the Government
Health & Medical Education Department



S. No.	Proforma (Annexure-A) 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 1st Class Judicial Magistrate).	

Name & Signature of the doctor

Seal & Signature of the concerned DDO

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No.**Proforma (Annexure-B)****Details/Information to be certified by the concerned
Director, Health Services, Jammu/Kashmir.**

1.	Whether the intending course of study/ training / tenure posting is recognized or not:	
2.	Date of commencement of the course of study / training / tenure posting:	
3.	Whether on probation or confirmed:	
4.	Whether the doctor has completed prescribed period of probation or 5 years of service, whichever is later for seeking NOC for participating in selection process for undergoing higher studies within/outside the UT of J&K.	
5.	Whether the doctor has completed prescribed period of probation or 3 years of service, whichever is later for participating in selection process for tenure postings viz Senior/Junior Residency/ Registrarship/ Demonstratorship/ Fellowship/ Tutorship etc. within the UT of J&K.	
6.	Name of the service to which belongs:	
7.	Number of year of service:	
8.	Whether the University/College/Institution is recognized or not:	
9.	Leave or otherwise required (duration) from to :	
10.	Whether the doctor has taken study leave earlier, if so, details thereof:	
11.	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:	
12.	Whether the said course of study / training / tenure posting is prosecution of studies in subjects other than academic or literary:	
13.	Whether the doctor submitted the Bond(s) as required under Study Leave Rules, if the applicant is applying for higher course on study leave:	
14.	Whether the work of the doctor, on account of his/her undergoing higher studies or training course, shall be managed through internal arrangement:	
15.	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:	
16.	Whether there is any enquiry pending or contemplated against the concerned doctor, if so, details thereof:	
17.	Whether the concerned HoD is fully satisfied with the eligibility of the doctors with respect to fulfilment of laid down terms and conditions on the subject.	





Seal & Signature of the
Concerned Director Health Services

Proforma (Annexure-C)

Consolidated list to be submitted by the concerned Director, Health Services, Jammu/Kashmir.

Higher Study courses

S. No.	Name of doctor	Present Qualification	Present designation with place of posting	If Consultant whether holding post by promotion or through PSC.	D.O.B	Date of Appointment on present post / designation	5 years completed for seeking NOC for higher study courses	NOC required for appearing in higher studies to be reflected clearly.	Whether intending first time to undergo such course/ training during his service	College/ Institute for undergoing desired course.	DHSK/J Ref. No.

Tenure postings viz Senior/Junior Residency/Registrarship/Demonstratorship/Fellowship/Tutorship etc.

S. No.	Name of doctor	Present Qualification	Present designation with place of posting	If Consultant whether holding post by promotion or through PSC.	D.O.B	Date of Appointment on present post / designation	3 years completed for seeking NOC for tenure posting/ training within the UT of J&K.	NOC required for appearing in higher studies to be reflected clearly.	Whether intending first time to undergo such tenure posting during his service	College/ Institute for undergoing desired course.	DHSK/J Ref. No.

Seal & Signature of the
Concerned Director Health Services

M. Gupta

[Signature]

Gurpreet

[Signature]