

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
HYDERABAD
THE HON'BLE MR. JUSTICE N.V. SHRAVAN KUMAR**

WP NO. 1715 OF 2024

24.01.2024

Dr. D. Anvesh Kumar Reddy, S/o D. Krishna Reddy & Ors.

... *Petitioners*

v.

Union of India, Represented by its Secretary, Department of Health and Family Welfare, Ministry of Health and Family Welfare, Nirman Bhawan, New Delhi - 110011 & Ors.

... *Respondents*

Constitution of India – Writ Jurisdiction (Art. 226) – Government Order G.O.Ms.No.165 of 2017 mandating two-year compulsory service for super specialty postgraduates challenged – Petitioners allege lack of statutory basis, violation of Articles 14, 19, 21, 254, and akin to capitation fees – Withholding of certificates questioned as coercive – Government defends policy for public health – Interim suspension granted for specific bond conditions – Respondents to file counteraffidavits – Matter adjourned, no final adjudication.

Section 151 CPC – Writ Petitions under Article 226 challenging G.O.Ms.No.165 mandating two-year compulsory service for super specialty postgraduates – Withholding of original certificates for non-compliance – Petitioners claim infringement of rights and statutory vacuum – Bond requirement likened to capitation fees – Government defends necessity under public health policy – Court invokes inherent power under §. 151 CPC to grant interim suspension of bond conditions – Respondents to file counteraffidavits – Proceedings adjourned.

Telangana Medical Practitioners Registration Act, 1968 – Compulsory Service – Bond Requirement – §. 158 omitted, removing statutory basis for mandatory government service – Petitioners challenge G.O.Ms.No.165 imposing two-year compulsory service on super specialty doctors and withholding certificates – Contention of no legislative support and breach of constitutional rights – Government supports necessity for public health – Court grants interim suspension of bond conditions – Matter pending.

Andhra Pradesh Educational Institutions (Regulation of Admission) Order, 1974 – Regulation of Admissions – Government empowered to prescribe seat reservations – Statute prohibits capitation fees – Impugned G.O.Ms.No.165 mandating two-year service for super specialty postgraduates challenged as lacking statutory basis – Court grants interim suspension of bond obligations – Further proceedings pending.

Telangana Educational Institutions (Regulation of Admission and Prohibition of Capitation Fee) Act – Regulation of Admission – Compulsory Service Bond – G.O.Ms.No.165 mandating two-year service in government institutions and withholding original certificates challenged –

Petitioners argue §. 3 does not authorize such service or fees, likening it to capitation – Court grants interim suspension of bond conditions, orders counteraffidavits – Proceedings pending.

Telangana Medical Colleges (Admission into Post Graduate Medical Courses) Rules, 2017 – Scope of Rules – Super Specialty Courses not covered – G.O.Ms.No.165 imposing two-year service for super specialty postgraduates challenged – Withholding certificates alleged to violate rights and lack legislative basis – Court grants interim suspension of bond conditions, directs counteraffidavits – Matter pending, no final adjudication.

FACTS. Multiple petitioners, including 23 doctors who completed super specialty courses, challenged Government Order G.O.Ms.No.165 of 2017 mandating a two-year compulsory service in government institutions and withholding original certificates if the condition is not met. The petitioners view the order as arbitrary, unlawful, and devoid of legislative sanction, likening it to the imposition of capitation fees. They assert that the government had not previously required such bonds, leading to sudden restrictions on their professional opportunities. The writ petitions were filed under Article 226 of the Constitution, and the High Court is currently considering the dispute. The Government Pleader requested time to file a counter, and the Court directed both sides to submit pleadings. The matter remains pending, with further proceedings scheduled for 14.02.2024.

PRAYER. Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue any writ, order or direction, more particularly in the nature of writ of mandamus declaring that the G.O. Ms. No. 165 of 2017 dated 06.09.2017 issued for Compulsory Resident Specialist postings for Super Speciality Post Graduates and thereby withholding the Original Degree Certificate of Super Speciality as illegal, arbitrary and in violation of Article 14, 19, 21, 254 of Constitution of India.

ISSUES OF LAW.

Whether the government can legally mandate a two-year compulsory service through an executive order and withhold original certificates; whether such a bond requirement and penalty violates constitutional rights absent statutory authority; whether the counseling process and related conditions have valid legal backing.

SUMMARY. Multiple doctors filed writ petitions challenging Government Order G.O.Ms.No.165 of 2017, which mandates compulsory two-year service for super specialty postgraduates and withholds their original certificates if they do not comply. The petitioners claim the policy lacks legislative foundation, infringes their rights, and amounts to capitation fees. The Court granted an interim suspension of some bond conditions, directed the respondents to submit counteraffidavits, and scheduled further proceedings. The case remains pending.

HELD. The Court granted interim suspension of specific bond requirements for a limited duration and directed respondents to file counteraffidavits. No final determination has been made, and the proceedings have been adjourned for further submissions.

FINAL STATUS. Pending with an interim suspension of certain bond conditions.

CASES REFERRED

Association of Medical Super Speciality Aspirants vs Union of India

COUNSELS

M/s SAGARIKA KONERU (for Petitioners)

Sri GADI PRAVEEN KUMAR (Dy. Solicitor General of India) (for Respondent No.1)

GP for Family & Health (for Respondent No.2)

Judgment Pronounced on 24.01.2024