



2026:AHC-LKO:40752

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

WRIT - A No. - 5482 of 2026

Dr. Kailash Kumar

.....Petitioner(s)

Versus

State Of U.P. Thru. Prin. Secy. Medical And
Health Lko. And 2 Others

.....Respondent(s)

Counsel for Petitioner(s)	: Sarvesh Kumar Verma, Shweta Yadav
Counsel for Respondent(s)	: C.S.C., Shubham Tripathi

Court No. - 15

HON'BLE BRIJ RAJ SINGH, J.

1. Heard Ms. Shweta Yadav, learned counsel for the petitioner and the learned Standing Counsel for the State-opposite parties no.1 to 3 and Sri Imamuddin Ahmad holding brief of Sri Shubham Tripathi, learned counsel appearing for opposite party no.4.

2. The present writ petition has been filed seeking the following reliefs:-

"a) Issue a writ, order, or direction in the nature of Mandamus, commanding the Respondents grant No Objection Certificate/permission in favour of the Petitioner for pursuing PDCC for academic session 2026 in Transfusion Medicine/Apheresis at SGPGIMS, Lucknow offered vide Admission cum Appointment letter dated 05.05.2026 annexed as Annexure No.P-7.

b) Issue a writ, order or direction commanding the Respondents to permit the Petitioner to pursue the aforesaid PDCC course subject to such reasonable conditions as may be imposed by this Hon'ble Court including furnishing of undertaking, indemnity bond, extension of bonded service or compulsory rejoining conditions,"

3. It is the case of the petitioner that in the year 2002, he qualified the NEET PG examination and was selected for M.D. Immunohaematology and Blood Transfusion at Sanjay Gandhi Post Graduate Institute of Medical Sciences, Lucknow (for short 'S.G.P.G.I.M.S.') against in-service PMHS category. The Petitioner was granted admission against the quota specifically earmarked for in-service Provincial Medical Health Services (PMHS) doctors and the opposite parties themselves permitted the petitioner to pursue the aforesaid specialized postgraduate course in view of the public importance attached to highly specialized medical training, pursuant to which the opposite parties granted No Objection Certificate/permission in favour of the

petitioner for pursuing the aforesaid M.D. course at S.G.P.G.I.M.S., Lucknow. The permission granted by the opposite parties clearly contemplated that petitioner after successful completion of the course, would return to Government service and continue serving under the Medical and Health Department. It is said that the State Government consciously adopted the mechanism of bond/security undertaking for safeguarding Government interest instead of imposing any absolute prohibition on higher medical education.

4. It is further said that at the time of grant of permission for M.D. Course in Transfusion Medicine at S.G.P.G.I.M.S., Lucknow, the petitioner executed the prescribed bond undertaking in favour of the State Government agreeing to continue Government service after completion of the course for ten years with an exit clause of Rs. One Crore. It is said that the very structure of the bond clearly demonstrates that the State Government itself adopted the mechanism of service security and financial safeguard instead of imposing any absolute embargo upon academic advancement. After successful completion of the aforesaid M.D. course in 2025, the petitioner got formally relieved from S.G.P.G.I.M.S., Lucknow on 08.12.2025 and faithfully complied with all directions and immediately rejoined Government service under the parent Community Health Center under opposite parties on 09.12.2025. The petitioner is presently serving at Community Health Centre, Gosainganj, Lucknow and continues to discharge his duties sincerely.

5. It is said that thereafter the petitioner again qualified on merit for Post Doctoral Certificate Course (PDCC) Transfusion Medicine/Apheresis at S.G.P.G.I.M.S., Lucknow, having Roll No.2022700003 for Academic Session 2026 and after counselling on 02.05.2026, he was offered the Provisional Admission/Appointment letter on 05.05.20256. The aforesaid PDCC course is directly connected with the petitioner's present specialization and is a highly specialized post-doctoral programme of immense academic and clinical significance. On 02.05.2026, the petitioner has made payment of Rs.74,100/- to secure his seat and admission for PDCC Course in S.G.P.G.I.M.S., Lucknow.

6. On 11.05.2026, the petitioner submitted a representation through proper channel i.e. Medical Officer In-charge, Community Health Center, Gosainganj, Lucknow seeking grant of "No Objection Certificate" for

pursuing the aforesaid PDCC Course and the Medical Officer In-charge, Community Health Center, Gosainganj, Lucknow vide communication Letter No.CHC/GG /2026/333 dated 14.05.2026 recommended the petitioner's case and certified that petitioner has been discharging O.P.D., I.P.D., emergency, O.T. and allied duties sincerely and efficiently and that no departmental proceedings or adverse material are pending against the petitioner. The recommending authority further recorded that petitioner's date of birth is 14.07.1982 and after attainment of age of 45 years, opportunities for future academic advancement would become severely restricted. The recommending authority also recorded that petitioner is willing to furnish indemnity bond/undertaking and continue Government service after completion of the course. The petitioner has also made a representation to the Director General, Medical and Health through email dated 15.05.2026. However, till date no action has been taken to grant the No Objection Certificate to the petitioner for pursuing PDCC Course at S.G.P.G.I.M.S., Lucknow.

7. It is said that petitioner is presently aged about 43 years and the competent authority itself while recommending the petitioner's case vide communication dated 14.05.2026 has specifically recorded that after attainment of the age of 45 years, opportunities for higher academic advancement would become substantially restricted. It is further said that the PDCC Course in Apheresis Technology and Blood Component Therapy is directly connected with and in continuation of the petitioner's existing specialization in Immunohaematology and Blood Transfusion Medicine and constitutes an essential academic and clinical advancement in the same field. Lastly, it is said that denial of permission to pursue the aforesaid course at this crucial stage of the petitioner's career would virtually foreclose his future academic progression, super-specialized clinical training.

8. Counsel for the petitioner has invited the attention of the Court towards the order dated 24.03.2026 passed by a coordinate Bench of this Court in Writ-A No.3207 of 2026, whereby this Court passed an order making observation that upon due consideration of the aforesaid facts and circumstances, particularly in view of the fact that no disciplinary proceedings have been initiated against the petitioner for his absence or for not joining the promoted post, and a bond had already been furnished

by the petitioner at the time of grant of the earlier NOC, in the interest of justice, the petitioner in that was permitted provisionally to pursue the course of D.M. (Neurology) in the college of opposite party no.4, subject to the final outcome of the petition. Counsel for the petitioner has further submitted that petitioner has already given a representation to opposite party no.3 on 15.05.2026, which is still pending. She has also invited the attention of the Court towards Annexure-13 i.e. order dated 06.08.2025, which indicates that Dr. Pradyumn Bhargav, Emergency Medical Officer, Government Medical College, Azamgarh was given No Objection Certificate by the State Government and the petitioner has claimed parity with him also.

9. On the other hand, learned Standing Counsel, on the basis of instructions, states that there is no policy or the Government Order available in the department, whereby the Director, General, Medical and Health may take a decision for issuing “No Objection Certificate” for pursuing the super specialty course. However, he has submitted that the Additional Director (Personnel) has sent a letter on 26.05.2026 to the State Government requesting therein that it may take a decision, if there is any policy in this regard.

10. Instructions filed by the learned Standing Counsel and counsel for opposite party no.4 are taken on record.

11. In view of the aforesaid, opposite party no.1 is directed to take a decision on the representation of the petitioner dated 15.05.2026 within a period of three weeks from today. In the meantime, opposite parties are directed to permit the petitioner to pursue the PDCC course provisionally, subject to outcome of the decision taken by opposite party no.1 on the representation of the petitioner dated 15.05.2026.

12. Subject to above noted observation and direction, ***writ petition stands disposed of.***

(Brij Raj Singh,J.)

June 11, 2026

Rao/-