



2026:UHC:2101-DB

HIGH COURT OF UTTARAKHAND AT NAINITAL
HON'BLE THE CHIEF JUSTICE MR. MANOJ KUMAR GUPTA
AND
HON'BLE SRI JUSTICE SUBHASH UPADHYAY
24TH MARCH, 2026
SPECIAL APPEAL NO. 01 OF 2023

State of Uttarakhand & othersAppellants.

Versus

Dr. Mehul Singh Gunjyal & othersRespondents.

Counsel for the Appellants : Mr. Gajendra Tripathi, learned Standing Counsel.
Counsel for the Respondents : Mr. B.D. Upadhyaya, learned Senior Counsel assisted by Mr. Anil Kumar Joshi and Mr. Tushar Upadhyaya, learned counsel.

JUDGMENT :(per Mr. Manoj Kumar Gupta, C.J.)

Delay Condonation Application (IA No. 02 of 2023)

1. For the reasons stated in the affidavit, filed in support of the delay condonation application, the delay condonation application is allowed and delay of 127 days in filing the special appeal is condoned.

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2. Heard learned State Counsel and learned Senior Counsel appearing for the respondents- writ petitioners.

3. The present intra-court appeal is directed against the order of learned Single Judge dated 08.06.2022 in Writ Petition (M/S) No.2201 of 2021 and the order dated



19.07.2022, passed on modification application (MCC No.03 of 2022).

4. The writ petitioners had completed MBBS course from various government colleges on subsidized fees and they had filled a bond for rendering five years of service in hilly areas of the State, failing which, they were to refund Rs.30.00 Lakh to the State Government.

5. The case of the petitioners was that, after completing MBBS course, they have succeeded in getting admission in P.G. courses in different private medical colleges, except petitioner no.8, who got admission in a Government P.G. College. They filed the writ petition praying for the following reliefs: -

"i) Issue a writ, order or direction in the nature of mandamus directing the respondents to adjust the period which the petitioners have served in pursuance to the bond before taking admission in the P.G. Courses from the total 3 year of compulsory service in hilly area.

ii) Issue any other or further writ, order or direction which this Hon'ble Court may deem fit and proper in the circumstances of the case.

iii) To award the cost of the petitions in favor of the petitioners.

iv) Issue a writ, order or direction in the nature of mandamus directing the respondents to evenly divide the bond money according to the time period of the bond years. 30 lakhs for five year or 6 lakhs per year for M.B.B.S. candidates and 15 lakhs for 3 years or 5 lakhs per year for PG (MD/ MS) candidates whichever is suited for the candidate."



6. Thus, the petitioners wanted the period, during which they had served in pursuance of the bond before taking admission in Government College, to be adjusted in the bond period of three years, which they were required to render after doing P.G. course in terms of the prevalent government orders.

7. The writ Court disposed of the writ petition relying on the order in another writ petition bearing Writ Petition (M/S) No.1224 of 2014, "*Dr. Lalit Kumar vs. State of Uttarakhand & others*". Sub-paragraph (ii) of Paragraph 25 of the said judgment, in terms whereof the writ petition was disposed of, is extracted below: -

"25.

(i)...

(ii) *Petitioners, who had furnished surety bonds/ undertakings pursuant to the Government Order dated 30.06.2006 for availing the benefit of the financial help have to serve State of Uttarakhand for a minimum period of five years either before joining the PG course or after completing the PG course. Period of service, if any, rendered before joining the PG course shall be adjusted in the total period of service of five years."*

8. It is noteworthy that under Government Order dated 23.07.2008, the bond period specified was five years after MBBS course and three years after Post Graduation. Since the petitioners had got admission in PG courses, therefore, after completion of the same, in terms of clause



7 of the Government Order dated 23.07.2008, they were to render three years of service, failing which, they had to compensate the Government in a sum of Rs.15.00 Lakh.

9. For the said reason, a modification application came to be filed in the writ petition and by order dated 19.07.2022, the Writ Court clarified that the bond period shall be read as three years instead of five years in the light of clause 7 of the Government Order dated 23.07.2008.

10. It seems that during course of hearing of the instant appeal, apprehension was raised by the State that the directions given by the Writ Court would come in its way in recovering the bond amount, if the petitioners fail to render three years of service in hilly areas in the State in terms of the bond. Consequently, on 24.04.2024, Coordinate Bench passed an order permitting both the parties to file affidavits clarifying certain aspects and also state how they were not liable to return the money as stipulated in the bond.

11. In compliance of the said order, the State Government has filed an affidavit of compliance and wherein, the stand taken is that except petitioner no.8, all other petitioners have taken admission in private colleges in PG courses and, therefore, in terms of clause 7 of the



Government Order dated 23.07.2008 and also clause 1(D) of the bond, in case they failed to render three years of service in hilly areas of the State, after completion of PG course, the Government would be entitled to recover the bond amount.

12. The submission is based more on apprehension as the said eventuality has not arisen so far. However, since Government Order specifically provide for payment of the afore-said amount by a candidate, who fails to render service in terms of the Government Order after completion of P.G. course and also so specifically undertaken by the petitioners while furnishing the bond, therefore, we feel that if we clarify the said aspect, it would not prejudice the petitioners.

13. Accordingly, we clarify that the right of the State Government to recover the bond amount in terms of clause 7 of the Government Order and the conditions of bond, would not get affected in any manner, in case, the petitioners fail to comply with the conditions of the bond regarding rendering of three years service after completing the P.G. course, subject to the directions already given that the period of service already rendered after completion of MBBS and before admission in P.G. course, would be taken into consideration while calculating the period of three



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years.

14. The instant special appeal stands disposed of.

15. Pending application, if any, also stands disposed of.

MANOJ KUMAR GUPTA, C.J.

SUBHASH UPADHYAY, J.

Dated: 24th March, 2026

NISHANT