

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 562 OF 2026
(Special Leave Petition (C) No. 3372 of 2026)

SHYAM CHANDRAN

APPELLANT(S)

VERSUS

STATE OF HIMACHAL PRADESH & ORS.

RESPONDENT(S)

O R D E R

1. Leave granted.

2. When this matter came up yesterday, i.e., 27.1.2026, we issued notice and requested the presence of the learned Advocate General to help the Court to resolve this controversy.

3. The order dated 27.1.2026 reads as follows:-

"1. Heard Mr. John Mathew, learned counsel appearing for the petitioner.

2. In the present case, the petitioner who had to serve out a bond period by taking a posting in the State has prior to the commencement of his period of service, been selected to DM/MCH Super Specialty. Learned counsel Mr. Mathew submits that the last day for verification of the educational qualification certificates is 31.01.2026 at Sree Chitra Tirunal Institute for Medical Sciences & Technology, Trivandrum. The High Court has apart from pointing out that the petitioner has not challenged the order of rejection dated 02.01.2026 (Annexure- P18 page 155) has also held that the petitioner has a liberty to challenge the order of rejection. However, the petitioner is running against time. Mr. Mathew submits that for the General Duty Officers, there is a Clause at Page 160 (PDF Page 201 of the paper-book) namely Clause 8 which reads as under:

"As per clause 11(b) of PG/SS Policy dated 15.10.2025 for pursuing Super Specialty course "Those candidate's who had initially joined as Direct Candidates but subsequently turned GDO or those who have joined GDQship after doing Post Graduation from elsewhere shall be considered for Sponsorship to Super Specialty course subject to the conditions that the GDO should be regular and should have served the State for at least three years including one year mandatory field posting. Further as per clause 6.1:-"Provided further that such GDOs who get selected as per Clause: 6.5, for doing Super Speciality before completion of the bond period of Post Graduation as such in that event the candidate already being bonded to serve the State as per the provisions of this policy for doing Post Graduation for 4/5 years alongwith bond amount of Rs. 40 Lakhs on such selection for the Superspeciality course will have to furnish, an undertaking on judicial paper to serve the balance/remaining bond period for doing Post Graduation alongwith the bond period applicable after doing Super Speciality course for serving the State as the case may be. For this purpose both the bond periods shall be clubbed together for serving the State for a period equal to balance/remaining bond period of PG course + mandatory period- of bond in respect of Superspeciality course apart from the

mandatory one year of field posting and the candidates shall furnish a fresh bond in the form of legal undertaking to serve the State for the clubbed period failing which the candidate shall have to pay Rs.90 Lakhs to the State Government. The candidate shall also furnish an undated cheque from a scheduled bank amounting to Rs.90 Lakhs in the name of DHS/DME. The DHS/DME shall be at liberty to get the cheque encashed in event of violation of the bond conditions."

3. Mr. Mathew submits that principles analogous to that Clause should also apply persons like the petitioner and if that Clause is applied on furnishing a further bond that after Super Specialty, the candidate would serve the State and with deposit of an undated cheque for an amount of Rupees Ninety Lakhs, permissions can be accorded.

4. Considering the urgency, list the matter tomorrow at 10:30 A.M. A copy to be served on the standing counsel.

5. We request the learned Advocate General to appear through video conferencing. Learned Advocate General may take instructions and report on this matter tomorrow.

6. List tomorrow as first on board."

4. Today, Mr. Anup Kumar Rattan, the learned Advocate General of Himachal Pradesh is appeared.

5. The learned Advocate General contends that when a candidate undergoes a postgraduate degree, apart from the stipend that they are paid monthly, the fee of the candidate is also subsidised, and it is for that reason that a bond for a period of two years is taken so that

rural areas in the State, *inter-alia*, have the benefit of the service of the candidate.

6. We have considered the submissions of the appellant as well as the learned Advocate General. The appellant is a candidate who secured All India Rank 9 in the Super Speciality DM/MCH and has been called for counselling at Sree Chitra Tirunal Institute for Medical Sciences & Technology, Trivandrum.

7. Mr. John Mathew, the learned counsel appearing for the appellant, submits that the appellant will furnish an undertaking to this Court, stating that after the conclusion of the three year Super Speciality course he will come back to the State of Himachal Pradesh and fulfill the bond period of two year service, the undated cheque of Rs.40,00,000/- (Rs. Forty lakh only) deposited with the State can also be retained by the State so that it is a deterrent measure against the appellant. The undated cheque can be given back to the appellant only after completion of the two-year bond period.

8. Considering the overall facts and circumstances, in exercise of our power under Article 142 of the

Constitution, we direct the State of Himachal Pradesh to hand over the original certificates of the appellant which are deposited with the State today itself, so as to enable the appellant to report at Sree Chitra Tirunal Institute for Medical Sciences & Technology, Trivandrum on 31st January, 2026 and to avail the benefit of the seat.

9. We direct that by 4 p.m. today, the appellant shall file an undertaking clearly setting out that after completion of the Super Speciality course he will come back to the State of Himachal Pradesh and offer his services for two years to the State.

10. The appellant is clearly informed that any breach of the undertaking will result in proceedings for initiation of contempt by this Court.

11. A small post-script: those candidates who furnish a bond to the State may also aspire to acquire higher qualifications. If a candidate has to complete the service and then apply, it may happen that in some cases they may be rendered ineligible. It is for the State to introspect and see, if among, those candidates who have furnished the bond, if there are exceptional candidates who have, on

merit secured admission to Super Speciality courses, in reputed medical institutions, whether a mechanism can be evolved to defer the service under the bond till they complete the Super Speciality course. This will also immensely benefit the State, as a candidate with a super speciality qualification will be serving the State. In this case the candidate has secured all India Rank 9. This is a thought which we leave with the State.

12. With the above observations, the appeal is disposed of.

.....J.
[J.B.PARDIWALA]

.....J.
[K.V. VISWANATHAN]

New Delhi
28.01.2026

ITEM NO.24

COURT NO.7

SECTION III-B

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition for Special Leave to Appeal (C) No.3372/2026

[Arising out of impugned final judgment and order dated 05-01-2026 in CWP No. 20930/2025 passed by the High Court of Himachal Pradesh at Shimla]

SHYAM CHANDRAN

Petitioner(s)

VERSUS

STATE OF HIMACHAL PRADESH & ORS.

Respondent(s)

[TO BE TAKEN UP AS FIRST ITEM ON BOARD.] ... FOR ADMISSION

Date : 28-01-2026 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J.B. PARDIWALA
HON'BLE MR. JUSTICE K.V. VISWANATHAN

For Petitioner(s) :Mr. John Mathew, AOR
Ms. Mallika Agarwal, Adv.

For Respondent(s) : Mr. Anup Kumar Rattan, Adv. General
Mr. Puneet R., Adv.
Kartikeya Rastogi, Adv, (DAG)
Ms. Tamanna Kavdia, Adv.

UPON hearing the counsel the Court made the following
O R D E R

1. Leave granted.
2. The appeal is disposed of in terms of the signed order.
3. The relevant part of the order is as under:-

"Considering the overall facts and circumstances, in exercise of our power under Article 142 of the Constitution, we direct the State of Himachal Pradesh to hand over the original certificates of the appellant which are deposited with the State today itself, so as to enable the appellant to report at Sree Chitra Tirunal Institute for Medical Sciences & Technology, Trivandrum on 31st January, 2026 and to avail the benefit of the seat.

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4. Pending application(s), if any, stands disposed of.

(CHANDRESH)
ASTT. REGISTRAR-cum-PS

(POOJA SHARMA)
COURT MASTER (NSH)

(Signed order is placed on the file)