



# ‘State can stop voluntary retirement of doctors’

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## **Highlights**

- The State can stop government doctors from taking voluntary retirement in public interest, the Supreme Court has ruled.
- The fundamental right to retire is not above the right to save lives in a country where government hospitals cater to the poorest, a Bench of Justices Arun Mishra and S. Abdul Nazeer said in its judgment.
- “The concept of public interest can also be invoked by the government when voluntary retirement sought by an employee will be against public interest.”

## **Scarcity of doctors**

- The court said public health was suffering from a scarcity of doctors.
- Qualified doctors did not join the public service, and even if they did so, they chose voluntary retirement and went into lucrative private practice.
- It said the poor could not be put in peril by a paucity of specialists in government hospitals.

## **Constitutional Provisions**

- The State governments had an obligation “to make an endeavour under Article 47 to look after the provisions for health and nutrition.”
- The doctors, as citizens, had certain fundamental duties under Article 51(A) towards their fellow citizens.
- The right to practice a profession under Article 19(1)(g) was subject to the interest of the general public, the court said.

## **Why in News?**

The ruling is based on an appeal by the Uttar Pradesh government against the Allahabad High Court’s decision to allow Dr. Achal Singh, who was working as Joint Director, Medical, Health and Family Welfare, in Lucknow, to voluntarily retire with effect from March 31, 2017.

Though the High Court allowed Ms. Singh to retire, it rued the way government doctors were seeking voluntary retirement almost every day in the State.

The High Court said the government healthcare sector needed senior doctors as they were “absolutely necessary to run the medical services which are part and parcel of the right to life itself.”



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