

**HIGH COURT OF TRIPURA
AGARTALA**

W.P.(C) 636/2023

Dr. Shongsir Warson Monsang

----Petitioner(s)

Versus

The State of Tripura and 3 ors.

----Respondent(s)

For Petitioner(s) : Mr. C.S. Sinha, Advocate

For Respondent(s) : Mr. D. Bhattacharya, GA

HON'BLE MR. JUSTICE ARINDAM LODH

Order

17/10/2023

Heard Mr. C.S. Sinha, learned counsel appearing for the petitioner.
Also heard Mr. D. Bhattacharya, learned GA appearing for the respondents-State.

By means of filing the present writ petition, the petitioner has prayed for a direction upon the respondents to issue No-Objection Certificate(NOC) in his favour to appear in an interview in the selection process for the post of Assistant Professor under Central Agricultural University, Imphal scheduled on **08.10.2023**, but, the competent authority of the petitioner is not inclined to issue No-objection certificate in his favour to appear before the Interview Board.

At the outset, Mr. Sinha, learned counsel has submitted that the matter has not come up on the date fixed in terms of the order of this court dated 06.10.2023, and in the meantime, the date scheduled for the interview has already been over. Hence Mr. Sinha, learned counsel has urged this court to pass a direction upon the respondents to issue NOC in favour of the petitioner so that the petitioner can pursue with the competent authority of the Central Agricultural University, Imphal for getting a further chance to participate in the selection process, if held in future pursuant to the advertisement No.02 of 2023 dated 08.04.2023 floated by the CAU, Imphal.

Mr. Sinha, learned counsel for the petitioner has further submitted that it is the legitimate right of the petitioner to appear before the Interview Board to get selected to a higher post which, at present, is not available in the State of

Tripura. Moreover, interview is not the end of the process. Opportunity is to be given to the petitioner to participate in the selection process.

On the other hand, Mr. Bhattacharya, learned GA has raised objection for issuance of such No-objection certificate in favour of the petitioner on the ground of public interest. Learned GA has submitted that there are altogether 256 students in the Institution where the petitioner is discharging his duty as Assistant Professor.

I have considered submissions of learned counsel appearing for the parties.

In my opinion, it is the human instinct that every human being strives for availing better opportunity to have a successful professional career. Everyone wants to prosper and grow in his/ her profession. There is no prohibitory law restricting an employee in his quest for availing better opportunity in his professional career. In this situation, public interest cannot undermine the individual interest. Furthermore, if a post falls vacant due to resignation of an officer, then, it is open to the Government to fill such vacant post in accordance with law. Employer cannot force it's employee to work under him for the rest of his service life. It is the wisdom of the concerned employee whether to continue his employment under a specific employer unless any contractual clause says otherwise. For this, right to resign is conferred upon an employee.

It is very unfortunate to note that the respondents are trying to curtail the legitimate right of the petitioner from availing a better opportunity of being appointed to a higher post, may be in another Institution.

However, since the date of interview has been expired, this Court cannot direct the authority concerned to extend the date of interview, it is upto the concerned authority whether to extend or not. If the date of interview is extended by the concerned authority, in that case, the competent authority of the State-respondents shall issue NOC in favour of the petitioner to ensure appearance of the petitioner before the interview board/selection process, if any.

With the aforesaid observation and direction, the instant writ petition stands disposed.

JUDGE

Saikat

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by SAIKAT KAR
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