

**HIGH COURT OF TRIPURA
AGARTALA**

W.P.(C) 642/2023

Dr. Debasish Behera

----Petitioner(s)

Versus

The State of Tripura and 3 ors.

----Respondent(s)

For Petitioner(s) : Mr. CS Sinha, Advocate

For Respondent(s) : Mr. D. Sarma, Additional GA

HON'BLE MR. JUSTICE ARINDAM LODH

Order

11/10/2023

Heard Mr. CS Sinha, learned counsel appearing for the petitioner. Also heard Mr. D. Sarma, learned Additional 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 in his favour to appear in an interview at Uttar Pradesh Pandit Deen Dayal Upadhyaya Pashu Chikitsa Vigyan Vishwavidhyalaya Evam Go Anusadhan Sansthan on 17.10.2023, but, the competent authority of the petitioner is not inclined to issue No-objection certificate in his favour to appear before the Interview Board.

Mr. Sinha, learned counsel for the petitioner has 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. Sarma, learned Additional GA has raised objection for issuance of such No-objection certificate in favour of the petitioner on the ground of public interest. Learned Additional 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 its 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.

In view of this, I direct the competent authority of the respondents to issue No-objection certificate in favour of the petitioner within 24 hours so that he can appear before the Interview Board on 17.10.2023.

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

Copy of this order be furnished to both the learned counsel appearing for the parties at the earliest.

JUDGE