

HIGH COURT OF TRIPURA
AGARTALA

WP(C) 365 OF 2024

Dr. Vinodakumar Somashing Naik,

Son of Sri S. N. Naik,

Permanent residence of 24A, Hullur LT, Muddebihal Taluk,
Vijayapur District, Pin-586213, Karnataka.

Present Address: presently residing quarter no.12,

Type III, 2nd Floor, Agriculture college quarter complex,

Opposite of Vivekananda Boys Hostel, Lambucherra,

Tripura West, Pin-799210, P.S. Lefunga.

... Petitioner.

Vrs.

- 1. Union of India**, represented by the Secretary to the
Department of Agriculture (DARE),
Krishi Bhawan, New Delhi, Pin-110001.
- 2. Central Agricultural University**, Imphal, Manipur, Pin-795004
(Represented by its Registrar)
- 3. Vice Chancellor**, Central Agricultural University,
Imphal, Manipur, Pin-795004.
- 4. The Dean**, College of Fisheries,
Central Agricultural University,
Lembucherra, Tripura.

... Respondents.

Present:

For the petitioner (s) : Mr. D. Bhattacharyya, Sr. Advocate.
Mr. Samar Das, Advocate.
Mr. Kaushik Paul, Advocate.

For the respondent (s) : Mr. Bidyut Majumder, Dy.SGI.

HON'BLE MR. JUSTICE ARINDAM LODH

24.05.2024

Order

Heard Mr. D. Bhattacharyya, learned senior counsel assisted by
Mr. S. Das, learned counsel appearing for the petitioner and Mr. B. Majumder,
learned Dy.SGI appearing for the respondents.

It is submitted that the petitioner has been serving as Assistant
Professor under the respondents. He is eligible for the post of Associate
Professor. In response to an advertisement dated 24.02.2024 [*Annexure-5* to
the writ petition], issued by the University of Agricultural Sciences,
Bangalore, for the post of Associate Professor, the petitioner has applied for

the said post. However, the petitioner requires a 'No-objection Certificate' from his present employer to validate his application. Mr. Bhattacharya, learned senior counsel has submitted that the respondents are not issuing the 'No-objection Certificate' for the reason that the petitioner had executed a bond wherein it was stipulated that he had to serve at least 5 years of service under the respondents.

In this regard, Mr. Majumder, learned Dy.SGI has drawn my attention to some of the conditions mentioned in the bond which are ---

"I undertake that I will not submit any application or seek No-objection Certificate for outside employment during the initial 5(five) years of my service"

Mr. Majumder, learned Dy.SGI has also submitted that the petitioner has not completed 5 years of service under the respondents and for this reason, 'No-objection Certificate' has not been issued in favour of the petitioner.

From the submission of Mr. Majumder, learned Dy.SGI, it appears that the petitioner has completed 4 years 2 months of his service under the respondents. It is a settled proposition of law that no one can be deprived of his right to get his better job opportunities. Undoubtedly, the post of Associate Professor is a higher post than that of the Assistant Professor and the petitioner is eligible for the post of Associate Professor. So, it is a better opportunity for the petitioner to apply for the post of Associate Professor.

After perusal of the bond, I find it is also stated therein that in case of any selection in any post under any other organization for which an Assistant Professor applies through proper channel then, he would not be relieved of the said post contrary to the norms applicable in Central Agricultural University.

Without entering into this aspect, from the bond itself, it appears that the petitioner cannot be relieved from his present post under the respondents before completion of 5 years of service under the present employer. However, his right to apply for the better job cannot be denied. The respondents may reject his application for relieving him before completion of 5 years.

In view of this, I direct the respondents to issue 'No-objection Certificate' in favour of the petitioner to make him eligible for submitting application for appointment to the post of Associate Professor. However, it is

made clear that the petitioner may not be relieved of his present posting as Assistant Professor under the respondents before completion of 5 years.

The respondents are further directed to transmit his application to the University of Agricultural Sciences, Bangalore with 'No-objection Certificate' within a period of 7 (seven) days from today.

A copy of this order be supplied to learned counsel of the parties during the course of the day.

The instant writ petition stands allowed and disposed of to the extent as indicated above. Pending application(s), if any, shall also stand disposed.

JUDGE

SANJAY GHOSH Digitally signed by SANJAY GHOSH
Date: 2024.05.24 17:40:33 +05'30'

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