

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.19829 of 2016

Date of Decision: 23.09.2016

Surinder Kumar and another

... Petitioners

Versus

State of Haryana and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Ram Niwas Sharma, Advocate,
for the petitioners.

RAJIV NARAIN RAINA, J.

1. It is the contention of the petitioners that medical doctors working in the B.P.S Govt. Medical College for Women, Khanpur Kalan, District Sonapat are in the same predicament faced by the petitioners in another case when the petitioners therein were not issued 'No Objection Certificate' and 'Experience Certificate' which would have enabled them to apply for posts advertised in the respondent Kalpana Chawla Govt. Medical College, Karnal. They had approached this Court in CWP No.13014 of 2016 and CWP No.13161 of 2016 and the following directions were issued by the Coordinate Bench on July 08, 2016:-

“In the light of such situation and with the interviews slated to start on 13.7.2016 itself, I deem it appropriate to dispose of the present petition with a direction to respondent no.3 i.e. the Director Principal, B.P.S Govt. Medical College for Women, Khanpur Kalan, District Sonapat to look into the matter as regards issuance of N.O.C and Experience Certificate to each of the petitioners. If, the petitioners are otherwise eligible the requisite N.O.C/Experience Certificate would be issued to them positively by 11.7.2016. In the eventuality of there

being any impediment as regards any of the petitioners being not eligible as regards issuance of N.O.C/Experience Certificate etc., respondent no.3 would be obligated to pass a specific order in such regard and communicate the same to the petitioner concerned.

Writ petitions are disposed of, accordingly.

A copy of this order be furnished to learned counsel for the parties under the signatures of Bench Secretary.”

2. In the present case, the petitioners are either Laboratory Attendants or Store Keepers working in Shaheed Hasan Khan Mewati Govt. Medical College, Nalhar, Mewat. The interviews for the post applied by the petitioners are to be held on September 28, 2016 and onwards according to the schedule. Their employer has not issued the requisite NOC and the Experience Certificate even though they have incurred no disabilities by way of disciplinary action etc. as asserted in the petition, which may have denied them opportunity to apply for the posts in the 4th respondent through proper channel.

3. The petitioners rely on the Chief Secretary Haryana Guidelines/Policy dated 01.03.1990 (P-7) and dated 02.03.2000 (P-8) which prescribes that NOC is to be issued after authorities are satisfied that there is nothing adverse against the employees.

4. Learned counsel for the petitioners submits that the request applications are already before the authorities in the 3rd respondent but have not been attended to and if the Court does not intervene the petitioners will lose their right of consideration for appointment by transfer against posts advertised by the institution at Karnal. The apprehension is genuine and, therefore, the Court intervenes.

5. Accordingly, a direction is issued to the 3rd respondent to apply

the directions issued by the Coordinate Bench in the aforesaid cases in the case of the petitioners and pass appropriate orders accordingly. The petitioners would be permitted to appear for the interview. In case, the orders are not passed by the administration-the 3rd respondent, the petitioners would be interviewed provisionally awaiting final orders which may be passed by the 3rd respondent on the request of the petitioners.

6. The petition stands disposed of.

7. Order dasti.

(RAJIV NARAIN RAINA)
JUDGE

23.09.2016

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Whether speaking/reasoned Yes

Whether reportable No