

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

-.-

**C.W.P No. 22854 of 2017
Date of decision: 25.10.2017**

Dr. Anil Kumar Goel

...Petitioner

Vs.

State of Haryana & Ors.

...Respondents

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present: Mr. Adarsh Jain, Advocate, for the petitioner.

Ms. Shruti Jain Goyal, AAG, Haryana.

G.S.SANDHAWALIA, J. (Oral).

By way of present petition filed under Article 226 of the Constitution of India, the petitioner seeks quashing of letter dated 28.09.2017 (Annexure P/9) whereby the NOC has been declined by respondent No.1 on the ground that there is an acute shortage of staff/teaching faculty with respondent No.3-College and it would hamper patient care and teaching of MBBS students studying there. Similarly, the petitioner seeks quashing of the illegal action of the respondent for not issuing relieving orders in pursuance to resignation letter dated 14.09.2017 (Annexure P/7), which was to be take effect from 13.10.2017 so that he could join the new post of appointment as Additional Professor Paediatrics AIIMS Raipur (Chhattisgarh).

Regarding the second prayer counsel has placed on record resignation which has been accepted by respondent No.3 and respondent No.1 subject to pending dues and, therefore, the same prayer has become infructuous.

Keeping in view the fact that the NOC was required at the first instance for applying to the post and in view of the fact that the petitioner has already been appointed vide letter dated 29.08.2017 by the institute by AIIMS at Raipur (Chhattishgarh) (Annexure P/5), the requirement of NOC in the opinion of this Court is no longer needed.

However, the prayer of the counsel that as per the appointment letter and as per clause 7 II (b), the certificate proving requisite experience as per the advertisement for the post is also required.

However, no specific prayer having been made, it is open to the petitioner to file an appropriate application before the respondents within a period of 10 days from today for the same. The respondent No.3 will thereafter issue the necessary experience certificate.

Writ petition is disposed of with the above said observations.

October 25, 2017
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(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No