

Sr.No.105

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

CWP No. 6221 of 2017

Date of decision:07.04.2017

Dr. Vikas Malik

.....Petitioner

versus

State of Haryana and others

.....Respondents

Coram: Hon'ble Mr.Justice Rakesh Kumar Jain

Present: Mr. Pawan Singh, Advocate
for the petitioner.

Ms. Tanisha Peshawaria, DAG, Haryana.

Rakesh Kumar Jain, J.(Oral)

This petition is filed for seeking a writ in the nature of mandamus directing the respondents to allow/consider the representation of the petitioner dated 11.02.2017(Annexure P-10) wherein NOC for HCMS quota for pursuing MD course in PGIMS Rohtak has not been issued to the petitioner on account of which the petitioner may miss the counseling for the admission in the PG course in the quota of HCMS in service doctors.

On 29.03.2017, the following order was passed by this Court:-

“This petition is filed by MBBS in service doctor who wanted to pursue MD course in PGIMS Rohtak and had applied for No Objection Certificate(NOC) from the Haryana Civil Medical Service(HCMS) quota. The said certificate has to be issued by respondent No. 1 on the recommendation of respondent No. 3. It is submitted that Ist counselling is to take place on 18.04.2017 but so far no decision has been taken. It is further submitted that in the past year also, NOC was granted to the petitioner when the entire admission process was over.

Notice of motion.

*On the asking of the Court, Shri R.K.Doon,
AAG, Haryana accepts notice on behalf of
respondents No. 1 to 3 who prays for time to file
reply.*

Adjourned to 3.04.2017.

*Counsel for the petitioner is directed to
give three copies of the petition to the
respondents.”*

On 6.4.2017, the learned Advocate General, Haryana appeared and assured the Court that the Chief Secretary shall pass the order as to whether NOC has to be granted to the petitioner or not. Consequently, the case was kept in urgent hearing and today, counsel for the State has produced an order saying that the respondent has declined the issuance of NOC to the petitioner.

State counsel on instructions from Karuna Sharma, Under Secretary, Labour and Employment Department Haryana has stated at the bar that the detailed order shall be supplied to the petitioner today by 6:00 p.m.

Be that as it may, so far as present petition is concerned it has become infructuous because the only prayer made in the petition is for issuance of NOC to the petitioner which has been declined. The petitioner may if so advised, challenge the order of declining the NOC in accordance with law.

A copy of this order be handed over to counsel for the petitioner under the signatures of the Special Secretary of this Court.

7th April, 2017

Shivani Kaushik

**[Rakesh Kumar Jain]
Judge**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No