

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

CWP No.664 of 2018
Date of decision: 16.01.2018

Ashish Dalal

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Saurabh Dalal, Advocate for the petitioner.

ARUN PALLI, J. (Oral)

Notice of motion.

Mr. Siddharth Sanwaria, DAG, Haryana, present in court, accepts notice on behalf of the respondents. Copies supplied.

In the nature of order, I propose to pass, no formal written statement(s)/counter-affidavit(s) on behalf of the respondents are indeed necessary at this stage. Thus, with the consent of the parties, the petition is being disposed of finally.

Pursuant to an advertisement issued by respondent No.4, petitioner competed for selection against the post of Assistant Professor in the Department of Skin and VD in the General Category. In terms of condition No.2 of the advertisement, the in-service candidates were required to obtain No Objection Certificate (NOC) from his/her Head of Institution/Employer, failing which they were not permitted to participate in the interview. Petitioner was working as Senior Resident with respondent No.4 itself since 25.11.2016, and had applied for NOC well in time. The interview for the post in question was scheduled for 04.12.2017. But in the

meanwhile a notification dated 29.11.2017 was issued by respondent No.3, vide which the candidates who were otherwise found eligible were permitted to participate in the interview even without NOC. However, the said notification was withdrawn by respondent No.1 the next day i.e. 30.11.2017. But the candidates who did not possess the NOC were interviewed on 29.11.2017. Whereas, the petitioner was not interviewed by the respondents on 04.12.2017, for he did not possess the NOC.

The limited grievance that the petitioner has is; that he had applied for the requisite certificate and not just that he was working with the same employer/college (respondent No.4). Further, he was working on a tenure based post and, therefore, under no conceivable circumstance, he could be denied the NOC. Still further, candidates who are identically placed and circumstanced, though in different disciplines, were interviewed by the respondents on 29.11.2017. It is urged that against one post of Assistant Professor in the Department of Skin and VD, in the General Category, only two candidates, including the petitioner, had competed. And since both could not obtain the NOC before 04.12.2017, they were not interviewed. Thus, it is urged that there still exists a vacancy.

Learned State counsel submits that the claim/grievance of the petitioner shall be dealt with by the respondents in accordance with law. And appropriate orders shall be passed within a period of four weeks from today.

The petition is accordingly disposed of in the above terms.

(Arun Palli)
Judge

16.01.2018

Rajan

Whether speaking / reasoned:
Whether Reportable:

YES
NO