

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 6534 of 2018**

Ms. Priyanka Pithawe D/o Shri Kishor Pithawe Aged About 31 Years
Occupation Stenographer , In Chhattisgarh High Court , Bilaspur, At
Present, R/o Quarter No. G-7/7, High Court Colony, Chakarbhata, District
Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Petitioner**Versus**

1. High Court Of Chhattisgarh, Bilaspur Through Its Registrar General , High Court Of Chhattisgarh, Bodri, Raipur Road, Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh
2. Registrar General (Establishment) Bodri, High Court Of Chhattisgarh, Raipur Road, Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Anup Majumdar, Advocate
For Respondent	:	Ms.Fouzia Mirja, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order on Board****30/01/2019**

1. The present writ petition has been filed by the petitioner assailing the order (Annexure P-8) dated 01/09/2018, whereby the request for issuance of No objection certificate by the petitioner to participate in the selection process of English Stenographer in the High Court of Madhya Pradesh, Jabalpur was rejected.
2. This Court at the stage of admission vide order dated 09/10/2018 granted interim protection to the petitioner and has permitted the petitioner to participate in the examination that was to be held on 03/11/2018. While granting permission to the petitioner this Court has taken note of the contents of the General Book Circular, Part-I, No. 11 issued by the State Government.
3. Today when the matter is taken up, counsel for the respondent submits that since petitioner has been permitted to participate in the

examination by way of an interim order passed by this Court, the writ petition as such rendered infructuous as also substantively was for permitting the petitioner to participate in the examination to be conducted on 03/11/2018.

4. Once when this Court vide order dated 09/10/2018 permitted the petitioner to participate in the recruitment process this Court is of the firm view that the order dated (Annexure P-8) whereby the issuance of the No objection certificate was rejected by the Registry of this Court now has lost its efficacy as the petitioner had appeared for the examination.
5. It would be trite to refer to the judgment of the M.P. High Court in the case of **Manoj Singh Tomar Vs. State of M.P. and others**, 2013 (4) MPLJ wherein in Paragraph 8, Hon'ble High Court has held as under:

“In my opinion, whether or not G.A.D.'s circular dated 21/10/1980 is applicable, the fact remains that petitioner has a fundamental right to submit his candidature for another employment. It is the right of a citizen to decide where he would like to practice any particular profession or get himself engaged any kind of occupation. The said right can be curtailed only as per Article 19(6). Thus, reasonable restrictions, which are in consonance with Article 19(6) can be pressed into service, but no other condition which is not in consonance with “reasonable restrictions” can take away the fundamental right of a citizen

to opt for any other profession or occupation. If the G.A.D.'s order is tested on the aforesaid anvil, it will be crystal clear that merely because the employment is sought for in another department for equivalent post, it cannot be denied and such denial on the aforesaid ground, by no stretch of imagination can be said to be a reasonable restriction.”

6. It has been informed that the petitioner has already been found selected and she has tendered her resignation as per the conditions of the appointment order to the respondent, this Court at this stage disposes off the present writ petition since the petitioner had already participated in the examination, the present writ petition and the grievance raised becomes infructuous. However, it is made clear that the disposal of the present writ petition or the order (Annexure P-8) dated 01/09/2018 should not come in the way of the respondent in taking a decision on the resignation letter submitted by the petitioner.

Sd/-
(P. Sam Koshy)
Judge