

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

**230**

**Date of Decision:07.03.2019**

**CWP-24468-2016 (O&M)**

Dr. Sanjiv Gupta

....Petitioner

Versus

State of Haryana and others

....Respondents

**CWP-25340-2016 (O&M)**

Dr. Suneel Kumar

....Petitioner

Versus

State of Haryana and others

....Respondents

**CWP-25453-2016 (O&M)**

Dr. Sulbha Mittal and others

....Petitioners

Versus

State of Haryana and others

....Respondents

**CWP-25556-2016 (O&M)**

Dr. Sanjay Kumar Verma

....Petitioner

Versus

State of Haryana and others

....Respondents

CWP-25257-2016 (O&M)

Dr. Rajvir Sabharwal and others ....Petitioners

Versus

State of Haryana and others ....Respondents

CWP-15-2017 (O&M)

Dr. Mamta ....Petitioner

Versus

State of Haryana and others ....Respondents

CWP-27338-2016 (O&M)

Dr. Kulwant Dabla and others ....Petitioners

Versus

State of Haryana and others ....Respondents

CWP-27340-2016 (O&M)

Dr. Sanjay Kumar and others ....Petitioners

Versus

State of Haryana and others ....Respondents

CWP-24847-2016 (O&M)

Dr. Vishal Singla ....Petitioner

Versus

State of Haryana and others ....Respondents

CWP-16943-2017 (O&M)

Dr. Gulshan Prakash ....Petitioner

Versus

State of Haryana and others ....Respondents

**CWP-17065-2017 (O&M)**

Dr. Kulwant Dabla ....Petitioner

Versus

State of Haryana and others ....Respondents

**CWP-20002-2017 (O&M)**

Dr. Sanjay Kumar Verma ....Petitioner

Versus

State of Haryana and others ....Respondents

**CWP-20125-2017 (O&M)**

Dr. Suneel Kumar ....Petitioner

Versus

State of Haryana and others ....Respondents

**CWP-7433-2018 (O&M)**

Dr. Ajay Chhikara ....Petitioner

Versus

State of Haryana and others ....Respondents

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

Present: Mr. Sahil Khunger, Advocate for the petitioner(s)  
in CWP-7433-2018.

None for the petitioner(s) in remaining petitions.

Mr. Harish Rathee, Sr. DAG, Haryana.

Mr. Nilesh Bhardwaj, Advocate  
for the respondent-Pt. B.D. Sharma University

in CWP Nos.25556, 25257, 24847, 25453, 24468  
& 25340 of 2016.

Mr. Amit Rao, Advocate  
for the respondent-Pt. B.D. Sharma University  
in CWP Nos.16943 & 17065 of 2017.

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**RAJIV NARAIN RAINA, J. (Oral)**

1. This order disposes of the aforementioned 14 writ petitions, as common questions of law and fact are involved in them, which can conveniently be decided by a common order.

2. Mr. Sahil Khunger, Advocate has appeared on behalf of the petitioner in CWP-7433-2018. No one has appeared on behalf of the petitioners in the remaining petitions. No pass over has been sought. The issue cannot be left hanging in view of the interim orders of this Court which will no longer continue in public interest.

3. I have heard learned counsel for the parties present at the hearing.

4. The petitioners are doctors belonging to Haryana Civil Medical Services (HCMS) Cadre Group-A. While in service, they were permitted to pursue their further studies in post graduate medical courses and for the entire duration of the studies they were paid full salary. Before proceeding to pursue their higher studies they were asked to sign bonds undertaking to serve government for seven years on their return to service after acquiring higher qualifications. They applied for various posts advertised in the Pandit Bhagwat Dayal Sharma University of Health Sciences, Rohtak. Their request

for discharging the bond relieving them from it and furnishing them NOC to enable them to appear for interviews was declined with the stipulation that they would be relieved only after depositing the bond amount in the government treasury. It is beyond cavil that the petitioners in their group of cases had signed the bond before proceeding for further studies.

5. Aggrieved by the action of the department in not furnishing to them the claimed no objection certificate, they have approached this Court for directions to the department to give them clearance to enable them to appear in the interviews to be conducted by the University at Rohtak.

6. The question which falls for consideration in these cases is whether government is justified in withholding No Objection Certificate on the promise of fulfilling the terms and conditions of the bond and for enforcement of bond moneys. Pay and be relieved principle applies. This issue has exhaustively been considered by this Court in the case of ***Dr. Jitender Kumar Jakhar and others Vs. State of Haryana and others***, 2018 (1) S.C.T. 216 and has been answered against the petitioners in that case. Court has held that being well aware of the terms and conditions which will govern them, petitioners had taken the benefit of post graduate admission and the State is only acting as per the terms and conditions of the bond signed *inter se* the parties. No fault as such can be found in the action of the department in the absence of any challenge raised to the policy or the bond which even otherwise, the petitioners would be stop from challenging.

7. The present petitioners stand in the same place as the petitioners in *Jakhar's case (supra)*. Accordingly, no fault can be found in the impugned

action with the petitioners tied to their bond which is in the realm of enforceable contract to be obeyed by the parties.

8. The case relied upon by Mr. Sahil Khunger for the petitioners in *CWP-7411-2017* titled ***Dr. Rahul Chawla and another Vs. State of Haryana and others***, decided on 21.09.2017 [by the same bench that delivered judgment in Jakhar case] is distinguishable on facts as in that case there was no bond in existence signed between the parties and therefore the no objection certificate could not have been legally withheld. Accordingly, the case has no relevance to the present controversy.

9. In view of this, the petitions are devoid of merit and are accordingly dismissed as no illegality has been committed by the respondent department in refusing to accede to the request except on payment of bond amount, whatever it may be.

10. It will be open to the University to consider whether to carry forward the selection process and conclude it, or may refuse to do so, or initiate a fresh one as a lot of time has gone by. Needless to mention, the ad interim stay orders issued by this Court stand vacated with the dismissal of the petitions.

07.03.2019  
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**(RAJIV NARAIN RAINA)**  
**JUDGE**

|                           |   |        |
|---------------------------|---|--------|
| Whether speaking/reasoned | : | Yes    |
| Whether reportable        | : | Yes/No |