

CWP NO. 1433 OF 2021
DECIDED ON : 22.01.2021

Vishal Dahiya and others

....Petitioners

Versus

State of Haryana and others

...Respondents

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Neeraj Sheoran, Advocate,
for the petitioners.

Ms. Mamta Talwar, DAG, Haryana.

(Presence has been marked through video conferencing)

ARUN MONGA, J. (ORAL)

The petitioners have approached this Court for issuance of a writ in the nature of mandamus directing the respondents to issue 'No Objection Certificate' so as to allow the petitioners to participate in the interview which is slated on 25.01.2021, pursuant to the advertisement dated 12.01.2021 (Annexure P-1).

2. Learned counsel for the petitioners, *inter-alia*, contends that the petitioners are working as Junior Resident with respondent No.3 on contractual basis. In another round of litigation, an interim order has been passed by this Court, by virtue of which, the petitioners have been allowed by respondent No.3 to continue on contractual basis, by not dispensing with their services till further orders. In the interregnum, vide an advertisement dated 12.01.2021 (Annexure P-1), applications have been invited once again for the post of Junior Resident by respondent No.3. Pursuant thereto, the petitioners have also applied for the same. However, the petitioners are not being allowed to participate in the interview which is slated on 25.01.2021, on the specious

plea,that they have not submitted their‘No Objection Certificate’ from their employer.

3. Notice of motion.

4. Ms. Mamta Talwar, DAG, Haryana, on service of advance copy of the petition, joins and accepts notice on behalf of State of Haryana.

5. Learned State counsel, on instructions from Mr. Rahul Dhankar, Legal Officer, BPS Government Medical College, submits that petition has been filed on the wrong premise,as respondent No.3 is not insisting for any‘No Objection Certificate’ to appear for the interview. She further submits that said ‘No Objection Certificate’ is not required.

6. That being the position, respondent No.3 shall bound by the statement made by learned State counsel before this Court and it is made clear that the petitioners shall be allowed to appear for the interview without insisting for No Objection Certificate’. Their fear, if any, is unfounded, as per learned State counsel aforesaid submission.

7. Accordingly, the petitioners shall be allowed to appear for their interview on 25.01.2021, pursuant to their applications for the post of Junior Residents, without insisting for ‘No Objection Certificate’.

8. In view of the above, the instant petition stands disposed of as infructuous with liberty to the petitioners to approach this Court in case the aforesaid statement of the learned state counsel is not complied by the respondents.

JANUARY 22, 2021
Shalini

(ARUN MONGA)
JUDGE

Whether speaking/reasoned :

Yes/No

Whether reportable :

Yes/No