

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

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CWP-8861-2020 (O&M)

Decided on : 14.01.2021

Dr. Seema Verma

... Petitioner

Versus

State of Haryana & others

... Respondents

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present: Mr.Sunil Kumar Bhardwaj, Advocate, for the petitioner.

Mr.Shivendra Swaroop, A.A.G., Haryana, for respondents No.1 & 2.

Mr.Nilesh Bhardwaj, Advocate, for respondent No.3.

(The proceedings are being conducted through video conferencing,
as per instructions.)

G.S. Sandhawalia, J. (Oral)

Prayer in the present writ petition, filed under Articles 226/227 of the Constitution of India, is for quashing of the action of the respondents of not considering the petitioner as eligible and not calling her for interview for the post of Senior Resident/Demonstrator against advertisement dated 02.06.2020 (Annexure P-4), without passing any order. It is the case of the petitioner that she had already completed the bond period and therefore, the action of respondent No.1 for not issuing the NOC to the petitioner for appointment, in view of the advertisement (Annexure P-4) was not justified.

Petitioner had applied for selection to the post of Senior Resident/Demonstrator which had been issued by respondent No.3-University against the specialty of Community Medicine against which, 2 posts were vacant. As per the terms of the said advertisement, NOC had to be obtained from applicants who were already in Government/Semi-Government/Corporation/Autonomous bodies and they were not to be considered for interview in the absence of the same. Petitioner who had been appointed vide letter dated 09.06.2010 (Annexure P-1) as a Medical Officer, thus, approached this Court on the plea which has been taken above and

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which is not in consonance with the record, as such. However, vide interim order dated 01.07.2020, on the said contention that she had completed her bond period, respondent No.3 was directed to consider the case of the petitioner but the result was not to be declared except under the order of this Court.

In the reply filed by respondents No.1 & 2, it has been stated that a bond (Annexure R-1) has been executed by the petitioner to serve the HCMS cadre for a period of 7 years or the pay Rs.25,00,000/- and the same was applicable upto 05.06.2027.

In the replication filed by the petitioner, this fact has now been admitted but claim has been made that she is entitled for the NOC which had been issued to other similar Doctors, as per Annexure P-7.

A perusal of Annexure P-7 would go on to show that the other Doctors had initiated litigation before this Court regarding the NOC issue and the said communication was issued subject to the condition that doctors had to deposit the bond amount, as per the terms of the bond letter and would also have to complete their service in the HCMS cadre. There can be no quarrel with the said proposition and therefore, it is now the contention of counsel for the petitioner that the petitioner is also willing to comply with the terms of the bond (Annexure R-1).

The result of the selection process had also been summoned by this Court and it transpires that only 2 candidates had appeared for the walk-in interview, for the said 2 posts and apart from the petitioner who had been conditionally selected on account of the interim orders passed by this Court, there is another candidate, namely, Dr.Ginni Aggarwal who has made the cut.

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Counsel for the respondent No.3-University, Mr.Nilesh Bhardwaj submits that even her appointment has been held up on account of the present litigation.

Resultantly, the only issue which now arises is whether the petitioner is willing to comply with the terms of the bond which she herself had executed on 31.05.2017 (Annexure R-1) and to get the NOC on parity with the other similarly situated persons, as per Annexure P-7. Unfortunately, this aspect had never been highlighted at the time of filing the writ petition but this plea has now been taken in the replication and highlighted in arguments.

Accordingly, the present writ petition is disposed of, with direction to respondent No.2 to consider the case of the petitioner for issuance of the necessary NOC, if the petitioner complies with the terms of the bond (Annexure R-1). The case of the petitioner shall, accordingly, be processed in terms of the submission made by the counsel and respondent No.2 shall take a decision on the same and intimate to the petitioner the amount which has to be deposited for issuance of the NOC. Needful be done within a period of 4 weeks from today. In case the petitioner complies with the terms of the bond, she shall be entitled for issuance of the NOC and therefore, entitled for appointment against advertisement (Annexure P-4).

The result which has been resealed be returned to counsel for respondent No.3-University. It will be open to the said University to declare the result of the other candidate, namely, Ginni Aggarwal and make necessary appointment to the post.

JANUARY 14, 2021

sailesh

(G.S. SANDHAWALIA)

JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No