

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

CWP NO. 25827 OF 2021

DATE OF DECISION: 17.12.2021

Dr. Rakesh Kumar

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Suresh Ahlawat, Advocate,
for the petitioner.

Ms. Rajni Gupta, Addl. AG, Haryana.

ARUN MONGA, J. (ORAL)

Petition herein, *inter-alia*, is for issuance of writ in the nature of mandamus directing the respondents to grant final No Objection Certificate for pursuing higher studies (Ph.D.) according to Policy dated 05.08.2019 (Annexure P-1). Further prayer has been made to refund the fee of Rs.47,795/- deposited in the LLR University, Hisar, on the basis of provisional NOC.

2. Learned counsel for the petitioner submits that petitioner is working as regular Veterinary Surgeon in Animal Husbandry Department Haryana. He applied for pursuing higher studies (Ph.D.) for the session 2020-23 and being fully eligible, he was given provisional NOC. He was however not given final NOC by the department. Qua his aforesaid grievance, petitioner caused representation dated 26.02.2021 (Annexure P-6) but to no avail. Hence, the instant petition.

3. I have heard learned counsel for the petitioner and have gone through the case file.

4. Based on a provisional NOC, petitioner had deposited admission fee. He was sanguine that he will be granted final NOC once the provisional NOC had been issued. However, as it later turned out, final NOC has since been denied. Only two candidates were accommodated this year by the department for grant of NOC and the petitioner, being third in the list, was denied permission. In the premise, the writ petition is disposed of with an expectation that respondent No.4- University will take a lenient view qua the deposit of fee by the petitioner, being a government servant, he has to necessarily depend on the competent authority for requisite permission and for no fault of his he ought not to be put to financial hardship by forfeiture of the fee deposited by him, while final NOC was pending. Let an appropriate decision on the representation dated 26.02.2021 (Annexure P-6) qua refund of fee be taken in due course.

5. Disposed of accordingly.

DECEMBER 17, 2021
Shalini

(ARUN MONGA)
JUDGE

Whether speaking/reasoned :
Whether reportable :

Yes/No
Yes/No