

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.9308 of 2022

Dr.Dipti Samal

..... Petitioner
Mr.Avijit Mishra, Advocate

-versus-

State of Odisha and another

..... Opposite Parties
Mr. Y.S.P.Babu, A.G.A.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

20.04.2022

Order No.

02

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner as well as learned Additional Government Advocate.
3. The Petitioner who is continuing as a Senior Resident in the department of Oral & Maxillofacial Surgery, SCB Dental College & Hospital, Cuttack has filed this writ petition praying for a direction to Opposite Party No.1 to issue No Objection Certificate to the Petitioner for appearing in the interview for the post of Assistant Professor, Dentistry at AIIMS, Guwahati pursuant to the advertisement made by AIIMS, Guwahati.
4. The Petitioner has filed an application before the Opposite Party No.1 for grant of NOC as required in the advertisement. However, the Opposite Party no.1 has not taken any step to issue such NOC, which amounts to debar the Petitioner to sit in the interview. The Petitioner, therefore, approached this Court in the present writ application challenging such arbitrary action.
5. Learned Additional Government Advocate submits that there

is dearth of doctors in the State. Taking into consideration the said position, the authority has not issued such NOC immediately. It is also fairly submitted that an employee should not be debarred to appear in the interview for his better service prospective.

6. The general principle is that in the absence of a legal, contractual or constitutional bar, there is no restriction on the part of the employee to seek better service prospective with prior intimation to the employer or to leave the job or to resign, on the contrary, it may be tantamount of practicing bonded labour.

7. In view of the above position, this Court directs the Opposite Party No.1 to issue No Objection Certificate to the Petitioner forthwith on production of certified copy of this order.

8. With the aforesaid direction the writ application stands disposed of.

9. Issue urgent certified copy of the order as per Rules.

RKS

