

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P(C) No.17415 of 2022

Dr. Durga Sahu

.... *Petitioners*

Mr. K.K. Mishra, Adv.

-versus-

State of Odisha & Ors.

.... *Opposite Parties*

Mr. R.C. Mohanty

CORAM:

DR. JUSTICE S.K. PANIGRAHI

Order
No.

ORDER
05.08.2022

04. 1.This matter is taken up through hybrid arrangement.
2. Heard.
3. In this Writ Petition, the petitioner who is working as direct post PG Doctor in the Department of Ophthalmology Department under Opposite Party No.2 establishment, seeks to quash the order dated 29.06.2022 passed by the Opposite Party No. 1-Commissioner-cum-Secretary, Health and Family Welfare Department, Bhubaneswar, Odisha in rejecting her representation dated 01.06.2022 refusing to grant No Objection Certificate (NOC) to pursue the fellowship course of three years at a premier institute of Odisha i.e. LV Prasad Eye Institute, which is an apex eye institute in India having several branches throughout the country. The petitioner was selected for fellowship programme

pursuant to the advertisement issued by the said institute. However, when she approached the authority for issuance of NOC to pursue the said higher education the competent authority rejected the application of the petitioner.

4. The contention raised by the learned counsel for the petitioner is that on 04.08.2022 as many as four candidates have been granted NOC by Opposite Party No.1 for pursuing the fellowship at different Universities and Medical Colleges in the country. Whereas the petitioner's case has been rejected which is nothing but a pick and choose approach adopted by the authority. The said act of the Opposite Party No.1 is out and out discriminatory which is violative of Article-14 of the Constitution of India.

4. In view of the above facts, the Opposite Party No.1- Commissioner-cum-Secretary, Health and Family Welfare Department, Bhubaneswar is directed to consider the application seeking NOC and issue the NOC not later than 10th of August, 2022.

5. Accordingly, this Writ Petition is disposed of.

(Dr. S.K. Panigrahi)
Judge