

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) No.18592 of 2022

Dr. Durgadutta Pattanayak *Petitioner*
Mr. Avijit Mishra, Adv.
-versus-
State of Odisha and Ors. *Opposite Parties*
Mr. Saswat Das, AGA

CORAM:
DR. JUSTICE S.K. PANIGRAHI

Order
No.

ORDER
28.07.2022

01. 1. This matter is taken up through hybrid arrangement.
2. Heard.
3. The Petitioner who is continuing as a Paediatric Specialist in the Department of Health and Family Welfare, Government of Odisha has filed this Writ Petition seeking a direction from this Court to Opposite Party Nos.1 and 2 to issue "No Objection Certificate" to him for pursuing the Fellowship Programme in the Department of Paediatrics, Institute of Medical Science, Banaras Hindu University, Varanasi pursuant to the advertisement dated 11.05.2022 made by Institute of Medical Sciences, Banaras Hindu University, Varanasi.
4. The Petitioner has made a request through email to the Opposite Party No.1 for grant of NOC as required by the

advertisement. However, the Opposite Party no.1 has not taken any step to issue such NOC, which amounts to debarring the Petitioner to pursue the Fellowship Course. The Petitioner, therefore, has approached this Court by way of the present Writ Petition challenging such arbitrary action.

5. Learned Additional Government Advocate for the State submits that there is shortage of doctors in the State. Taking into consideration the said position, the authority is conservative in issuing such NOC immediately. It is also fairly submitted that an employee should not be debarred to appear in the interview for his better service opportunities.

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 opportunities with prior intimation to the employer or to leave the job or to resign, on the contrary, it may be tantamount to the practice of bonded labourer.

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

8. With the aforesaid direction, this Writ Petition stands disposed of.

9. Urgent certified copy of this order be granted on proper application.

(*Dr. S.K. Panigrahi*)
Judge

BJ

