

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

CWP-13158-2014 (O&M)

Date of decision: May 11, 2022

Dr. Gulshan Parkash and another

....Petitioners

versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Sandeep Kumar Yadav, Advocate for the petitioner.

Mr. Saurabh Mohunta, DAG Haryana.

Mr. Rajiv Jatyan, Advocate for respondent No.3.

ARUN MONGA, J. (ORAL)

Petition herein, *inter alia*, is for issuance of a writ in the nature of Mandamus directing the respondents to issue No Objection Certificate to the petitioners, so that they could appear in the interview to be held on 11.07.2014 and 15.07.2014, for the posts of Demonstrator and Senior Resident under H.C.M.S. (Haryana Civil Medical Services) quota in Bio-chemistry subject and Surgery department respectively.

2. At the time of issuance of notice of motion, my learned Brother Augustine George Masih, J., vide order dated 10.07.2014 made detailed observations summing up the controversy involved herein as well as on merits of the case. Said order is reproduced herein below:-

“Petitioners have approached this Court, praying for issuance of no objection certificate to them, which would enable them to participate in the interview for taking up assignment as Senior Resident and Demonstrator respectively in PGIMS, Rohtak.

In pursuance to the advertisement, Annexure P-1, petitioners applied on 24.06.2014 through proper channel. The last date for submission of the application forms was 25.06.2014. No objection certificate has not been issued to the petitioners till date and they have all through been assured that needful shall be done prior to the date of interview. Now the interview for the post of Senior Resident has been fixed on 10.07.2014 and 11.07.2014 and for the

post of Demonstrator, the date of interview is 15.07.2014. This assignment is for a limited period of three years and on completion thereof, the petitioners will rejoin their parent place of posting. However, without the no objection certificate, the petitioners will not be permitted to participate in the interview.

Counsel for the petitioners submits that the petitioners would suffer an irreparable loss in case no objection certificate is not issued by the Director General Health Services, Panchkula-respondent No.2 as they would miss the chance of participating in the selection process. All the documentation and the requirements, as laid down in the advertisement, including the qualifications, are fulfilled by the petitioners and except for the no objection certificate, there is no other impediment, which would bar them from participating in the interview.

Notice of motion for 11.08.2014.

On the asking of the Court, Mr.Sunil Nehra, Senior Deputy Advocate General, Haryana, accepts notice on behalf of respondent Nos.1 and 2 and prays for time to seek instructions. Counsel for the petitioners is directed to supply three sets of the writ petition to Mr.Nehra during the course of the day under proper receipt from him.

Respondent No.3 be served dasti only.

Direction is issued to Director General Health Services, Panchkula, respondent No.2, to provisionally issue no objection certificate to the petitioners subject to the decision of the writ petition so that they can participate in the interview, as referred to above. Respondent No.3 shall also interview the petitioners provisionally, if there is no other reason, which would dis-entitle them to participate in the interview. Result of the petitioners be not declared and kept in a sealed cover till further orders are passed by this Court. Needless to mention that participation in the interview by the petitioners will not confer any right, equity or claim in their favour.

Copy of the order be given dasti under the signatures of the Special Secretary of this Court.”

3. Subsequently, when case was taken up for hearing on 19.04.2018, my learned Brother Arun Palli, J. (in seizin of matter then) passed the following order:-

“Petitioner No.1 is an in-service candidate. He competed for selection to the post of Demonstrator. Thus, as required, he had applied for No Objection Certificate (NOC) to respondent No.2. For the said certificate was not issued, and the date of interview was approaching, this Court, vide an interim order dated 10.07.2014, directed respondent No.2 to issue provisional NOC to the petitioners, and they were required to be interviewed subject to the result of the writ petition. Subsequently, the final results of the petitioners were produced, which showed that petitioner No.2 had

