

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

CWP-21894-2021

Date of decision:- 04.05.2022

Dr. Chander Shekhar

...Petitioner

Versus

Post Graduate Institute of Medical Education and Research and another

...Respondents

CORAM: HON'BLE MR. JUSTICE RAVI SHANKER JHA, CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Sandeep Gahlawat, Advocate for
Mr. Saurabh Dalal, Advocate
for the petitioner.

Mr. Prateek Gupta, Advocate
for respondent No.1- PGIMER.

Mr. Dheeraj Chawla, Advocate
for respondent No.2.

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RAVI SHANKER JHA, C.J. (ORAL)

This petition has been filed by the petitioner being aggrieved by the order dated 14.10.2021, whereby respondent No.1-PGIMER declined his prayer for granting him admission, as in service candidate, in place of respondent No.2, on the ground that the Himachal Pradesh High Court had quashed the “No Objection Certificate” granted in favour of respondent No.2 by the Health and Family Welfare Department, Himachal Pradesh.

It is submitted that respondent No.2 was not entitled to grant of “No Objection Certificate” by the Himachal Pradesh Government and, in fact, despite being ineligible, he was granted admission by the respondent authorities. It has been brought on record that Himachal Pradesh High Court, in C.W.P. No. 2176 of 2021 and other connected matters, had issued directions to the authorities of the State of Himachal Pradesh that persons like respondent No.2 were entitled to grant of “No Objection Certificate” on completion of necessary period of bonded service, therefore, necessary steps in this regard be taken by the State Government. It is stated that the petitioner had filed an appeal against the said order before the Division Bench of Himachal Pradesh High Court (Letter Patent Appeal No. 68 of 2021). During the pendency of this petition, the aforesaid appeal was allowed and directions of the Single Bench, directing the authorities to issue “No Objection Certificate”, was set aside.

It is submitted by the learned counsel appearing for PGIMER as well as respondent No.2 that subsequent thereto, the PGIMER authorities had written a letter to the Himachal Pradesh Government requesting them to re-consider the issuance of “No Objection Certificate” to respondent No.2, as the last date of admission was over, and in case the admission granted to respondent no.2 is cancelled, PG seat could go waste. The respondents have placed before us the order dated 19.4.2022, whereby the Director Health Services, Himachal Pradesh, has again granted “No Objection Certificate” to respondent No.2 as also the sponsorship certificate for pursuing studies in respondent No.1-PGIMER.

In view of the aforesaid subsequent developments that have taken place in the present case, nothing further survives for adjudication and the same is accordingly disposed of as having been rendered infructuous, however, granting liberty to the petitioner to take up further proceedings against the order dated 19.4.2022 issued by the Director Health Services, Himachal Pradesh, before an appropriate forum.

(RAVI SHANKER JHA)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

04.05.2022
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Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No