

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

(111)

CWP-3543-2024

Date of Decision : February 26, 2024

Dr. Gaurav Jaglan

.. Petitioner

Versus

State of Haryana and another

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. R.K. Malik, Sr. Advocate, with
Mr. Samrat Malik, Advocate, and
Mr. Kartikey Chaudhary, Advocate, for the petitioner.

Mr. Harish Nain, Assistant Advocate General, Haryana.

HARSIMRAN SINGH SETHI J. (ORAL)

1. In the present writ petition, the grievance of the petitioner is that the petitioner was selected for the Postgraduate Medical Course and the petitioner had sought No Objection Certificate from the respondent-Department as the petitioner is working as Medical Officer.

2. Learned counsel for the petitioner submits that though the No Objection Certificate was given to join the Postgraduate course but the said No Objection Certificate has been withdrawn, which is causing prejudice to the petitioner.

3. Notice of motion.

4. Mr. Harish Nain, learned Assistant Advocate General, Haryana, who is present in the Court, accepts notice on behalf of the respondents.

5. Learned State counsel submits that as per the information received from Dr. V.K. Nagpal, Addl. Director General, Health Services, Haryana, the petitioner is facing a departmental enquiry and that is why, the No Objection Certificate though issued, has been withdrawn.

6. Learned counsel for the petitioner submits that as of now, only allegations have been made but the same have not been substantiated and in case, hereinafter, the allegations are not substantiated, the petitioner will suffer irreparable loss as he has already got admission in the Postgraduate course, which he might not get hereinafter.

7. Learned State counsel submits that the petitioner, as an exception case, keeping in view that petitioner has already got admission in the Postgraduate course, he will be allowed to continue the Postgraduate course in case he submits an undertaking by way of an affidavit stating that in case in the disciplinary proceedings, the petitioner is found guilty and the Department is of the opinion that the petitioner has to re-join the service back, he will do the same without raising any objection.

8. Learned counsel for the petitioner submits that the petitioner has already got an affidavit prepared and the same is handed over to the learned counsel for the respondents that in case the petitioner is found guilty in the departmental proceedings, he will join back the Department in case the respondents intend to do so.

9. Learned State counsel submits that in view of the affidavit dated 26.02.2024, the withdrawal of the No Objection Certificate be treated as withdrawn with liberty to take appropriate action at the appropriate stage if needed keeping in view the undertaking given.

10. Learned counsel for the petitioner submits that in view of the statement of learned State counsel, the present writ petition may kindly be disposed of having been not pressed any further.

11. Ordered accordingly.

February 26, 2024

harsha

(HARSIMRAN SINGH SETHI)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No