
(2021) 01 P&H CK 0194

In the Punjab And Haryana At Chandigarh

Case No : Civil Writ Petition No. 8861 Of 2020 (O&M)

Dr. Seema Verma

APPELLANT

Vs

State Of Haryana & Others

RESPONDENT

Date of Decision : 14-01-2021

Acts Referred:

Constitution Of India, 1950 — Article 226, 227

Citation : (2021) 01 P&H CK 0194

Hon'ble Judges : G.S. Sandhawalia, J

Bench : Single Bench

Advocate : Sunil Kumar Bhardwaj, Shivendra Swaroop, Nilesh Bhardwaj

Final Decision : Disposed Of

Judgement

G.S. Sandhawalia, J

Prayer in the present writ petition, filed under Articles 226/227 of the Constitution of India, is for quashing of the action of the respondents of not

considering the petitioner as eligible and not calling her for interview for the post of Senior Resident/Demonstrator against advertisement dated

02.06.2020 (Annexure P-4), without passing any order. It is the case of the petitioner that she had already completed the bond period and therefore,

the action of respondent No.1 for not issuing the NOC to the petitioner for appointment, in view of the advertisement (Annexure P-4) was not justified.

Petitioner had applied for selection to the post of Senior Resident/Demonstrator which had been issued by respondent No.3-University against the

specialty of Community Medicine against which, 2 posts were vacant. As per the terms of the said advertisement, NOC had to be obtained from

applicants who were already in Government/Semi-Government/Corporation/Autonomous bodies and they were not to be considered for interview in

the absence of the same. Petitioner who had been appointed vide letter dated 09.06.2010 (Annexure P-1) as a Medical Officer, thus, approached this

Court on the plea which has been taken above and which is not in consonance with the record, as such. However, vide interim order dated

01.07.2020, on the said contention that she had completed her bond period, respondent No.3 was directed to consider the case of the petitioner but the result was not to be declared except under the order of this Court.

In the reply filed by respondents No.1 & 2, it has been stated that a bond (Annexure R-1) has been executed by the petitioner to serve the HCMS

cadre for a period of 7 years or the pay Rs.25,00,000/- and the same was applicable upto 05.06.2027.

In the replication filed by the petitioner, this fact has now been admitted but claim has been made that she is entitled for the NOC which had been

issued to other similar Doctors, as per Annexure P-7.

A perusal of Annexure P-7 would go on to show that the other Doctors had initiated litigation before this Court regarding the NOC issue and the said

communication was issued subject to the condition that doctors had to deposit the bond amount, as per the terms of the bond letter and would also

have to complete their service in the HCMS cadre. There can be no quarrel with the said proposition and therefore, it is now the contention of counsel

for the petitioner that the petitioner is also willing to comply with the terms of the bond (Annexure R-1).

The result of the selection process had also been summoned by this Court and it transpires that only 2 candidates had appeared for the walk-in

interview, for the said 2 posts and apart from the petitioner who had been conditionally selected on account of the interim orders passed by this Court,

there is another candidate, namely, Dr.Ginni Aggarwal who has made the cut.

Counsel for the respondent No.3-University, Mr.Nilesh Bhardwaj submits that even her appointment has been held up on account of the present

litigation.

Resultantly, the only issue which now arises is whether the petitioner is willing to comply with the terms of the bond which she herself had executed

on 31.05.2017 (Annexure R-1) and to get the NOC on parity with the other similarly situated persons, as per Annexure P-7. Unfortunately, this aspect

had never been highlighted at the time of filing the writ petition but this plea has

now been taken in the replication and highlighted in arguments.

Accordingly, the present writ petition is disposed of, with direction to respondent No.2 to consider the case of the petitioner for issuance of the

necessary NOC, if the petitioner complies with the terms of the bond (Annexure R-1). The case of the petitioner shall, accordingly, be processed in

terms of the submission made by the counsel and respondent No.2 shall take a decision on the same and intimate to the petitioner the amount which

has to be deposited for issuance of the NOC. Needful be done within a period of 4 weeks from today. In case the petitioner complies with the terms

of the bond, she shall be entitled for issuance of the NOC and therefore, entitled for appointment against advertisement (Annexure P-4).

The result which has been resealed be returned to counsel for respondent No.3- University. It will be open to the said University to declare the result

of the other candidate, namely, Ginni Aggarwal and make necessary appointment to the post.