

(2020) 08 SHI CK 0248
In the High Court Of Himachal Pradesh
Case No : Civil Writ Petition No. 2715 Of 2020

Mohinder Kumar	Vs	APPELLANT
State Of Himachal Pradesh And Others		RESPONDENT

Date of Decision : 06-08-2020

Acts Referred:

Citation : (2020) 08 SHI CK 0248

Hon'ble Judges : L. Narayana Swamy, CJ;Anoop Chitkara, J

Bench : Division Bench

Advocate : Sunil Mohan Goel, Ajay Vaidya

Final Decision : Disposed Of

Judgement

Anoop Chitkara, J

1. A Medical Officer, who has done his MBBS and now wants to do his Post Graduation, has come up before this Court, seeking a direction to the respondents to immediately issue NOC/Sponsorship Certificate in his favour.

2. We have heard learned counsel for the parties.

3. The relevant portion of letter issued by the Special Secretary (Health) to the Government of Himachal Pradesh, dated 18.9.2019 (Annexure P-6/T),

reads as under:-

“I am directed to refer to your letter No.HFW-H(PG)/MD/MHA/Mics Corres/2017-5621 dated 23rd August, 2019 on the subject cited above and

to request you to ensure that in future GDOs/MOs may not be sponsored for doing MPH/MAE/DPH/MHA/PSM as there are already sufficient

number of Medical Officers having MPH/MAE/DPH/MHA/PSM in the cadre. However, position may be reviewed after every 3 years.

Therefore, you are requested to issue suitable instructions to all the Principals/ Chief Medical Officers/Medical Superintendents/Block Medical

Officers in this regard accordingly.â??

4. On inquiring from this Court that whether any suitable instructions were issued consequent upon this letter, there is no such information available

with learned Senior Additional Advocate General. Even otherwise, the petitioner stands selected for pursuing MD Course in Community Medicine

from Maharishi Markendeshwar Medical College & Hospital, Kumarhatti, Solan and deposited the fee also and he is struck off only because of non

issuance of NOC/Sponsorship Certificate.

5. Learned Senior Additional Advocate General, further submits that in case this Court is proposing to direct the respondents to issue

NOC/Sponsorship Certificate in favour of the 3â?| petitioner, then it should not be cited as a precedent. We are not in agreement with such prayer

because it is open for the State to issue appropriate notification in this regard.

6. Without going into further details, we dispose of the present petition, directing the respondents to issue NOC/Sponsorship Certificate in favour of the

petitioner within 48 hours.

With the aforesaid observations, present petition is closed, so also the pending applications, if any.

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