



CWP-5680-2024

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

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CWP-5680-2024

Date of Decision: 02.09.2025

Sonu and others

...Petitioner(s)

Versus

State of Haryana and others

...Respondent(s)

**CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA**

Present:- Mr. Namit Gautam, Advocate for the petitioners

Mr. Parveen Mehta, Additional Advocate General, Haryana

None for respondents no.4 &amp; 5

**TRIBHUVAN DAHIYA, J. (Oral)**

The petition has been filed *inter alia* seeking a writ of *mandamus* directing respondents no.2 to 4 to issue 'No Objection Certificate' (NOC) and other relevant documents to the petitioners enabling them to appear for the interview for Group-C posts in Government Medical Colleges at Mahendergarh, Bhiwani, and Jind on 11.03.2024, in response to advertisement dated 03.01.2024.

2. Facts of the case in brief are, Director General, Medical Education and Research/third respondent issued the aforesaid advertisement for filling-up various posts in the aforementioned three Government Medical Colleges, including the Group-C posts of Supervisor, Pharmacist, Nursing Officer, Junior Scale Stenographer, Senior Scale Stenographer, Pharmacist and Nursing Officer, etc., for which the petitioners applied within time. Since they were already working on Group-C posts in B.P.S. Government Medical College for



Women, Khanpur Kalan, Sonapat/fourth respondent, the Director was requested vide letters dated 06/10/16.01.2024, to forward their applications to the concerned University/Pt. B.D. Sharma, University of Health Sciences/fifth respondent which was to make the selection. The third respondent/Department had authorised Directors of Government Medical Colleges vide letter dated 02.02.2024, Annexure P-3, to forward such applications to Vice-Chancellor of the University at their own level as per Rules. Interviews for the posts were scheduled for 11.03.2024, as conveyed to the candidates vide notice dated 06.03.2024, Annexure P-4. And one of the essential requirements to appear for the interview was, to have NOC from the parent Department/Institute.

2.1. It came to the petitioners' notice that vide memo dated 01.03.2024, Annexure R-5/1, issued by the third respondent, it was conveyed to the University of Health Sciences "*that Government has decided that faculty and staff from other Medical Colleges be not allowed to shift within the State and they will get opportunity once service rules are finalised. Thus, the faculty and staff from other Government Medical Colleges in the State of Haryana be not considered*". Due to this reason, the petitioners were not issued NOCs, forcing them to approach this Court by filing the instant petition. Pursuant to interim order dated 11.03.2024, whereby the fifth respondent was directed to interview the petitioners provisionally, they were interviewed. During pendency of the petition, their provisional result was produced before the Court which showed all of them except petitioner no.9, stood selected for various Group-C posts they had applied against.



3. In this factual background, learned counsel for the petitioners contended that on the basis of memo, dated 01.03.2024, the petitioners could not have been excluded from consideration only because they were already working in the Medical College/fourth respondent. By accepting employment in the College, they have not given up their right to join any other post in future. Besides, the memo has been issued subsequent to issuance of the advertisement and cannot have retrospective effect so as to bar the petitioners from participation in the selection process.

4. Learned State counsel, on the contrary, contends that in terms of the memo the petitioners are not entitled to participate in the selection process. There is a reasonable basis for issuing the memo, that is, the Medical College where the petitioners are already working has been set up to impart undergraduate and postgraduate medical education to students in the rural area, Khanpur Kalan, a sub-tehsil in District Sonapat, and there is shortage of staff in the College already. Besides, the recognition of MD/MS courses in various Departments of the College is still under process with the National Medical Commission (NMC). Therefore, in the interests of general public, it was decided not to relieve the petitioners.

5. Submissions made by learned counsel for the parties have been considered.

6. Advertisement for various Group-C posts for which the petitioners had applied was issued on 03.01.2024. It does not contain any stipulation that the candidates already working on Group-C posts in other Government Medical Colleges will be excluded from consideration. Their applications for these posts



were accepted, but were not allowed to appear for interview on the basis of a memo dated 01.03.2024, issued by the third respondent directing the fifth respondent not to consider candidates like the petitioners who had already been employed in a Government Medical College, as they could not be allowed to shift to other such Colleges for which these posts had been advertised. This memo has been issued subsequent to issuance of the advertisement, and cannot exclude the petitioners from consideration. Further, the justification offered by the respondents for issuing the memo in question can also not be accepted as it is for the Government to arrange employees, staff and faculty to meet the requirements of recognition laid down by the NMC. The petitioners cannot be made to work against their wish only because recognition for the College or some of its courses is awaited and their being on the rolls would be required for it. Nor can the other justification that the College is in a remote area be accepted, as Khanpur Kalan is about a hundred kilometre away from the national capital, and does not qualify to be in the category of remote inaccessible area. Forcing the employees to work against their will cannot be permitted being violative of the Fundamental Right guaranteed under Article 19(1)(g) of the Constitution. Besides, it would amount to treating them akin to bonded labour who are not allowed to move out by leaving the jobs for the positions they consider more suitable.

7. In view thereof, the petition is allowed, and the petitioners' participation in the interview held on 11.03.2024 in response to the advertisement in question is declared valid and in accordance with law. Consequently, they are held entitled to appointment on the basis of selection

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made. The respondents are accordingly directed to offer appointments to those of the petitioners who have been selected, in accordance with merit and subject to fulfilling other requisite conditions, within a period of two weeks of receiving a certified copy of the order.

**(TRIBHUVAN DAHIYA)  
JUDGE**

**02.09.2025***Payal*

Whether speaking/reasoned Yes/No

Whether reportable Yes/No