IN THE HIGH COURT OF HIMACHAL PRADESH AT SHIMLA

CWP No. 4591 of 2020

Decided on : 31.12.2020

Nipun Sharma

...Petitioner

Versus

State of H.P. and others

...Respondents

Coram
Hon'ble Mr. Justice Sureshwar Thakur, Judge.
Hon'ble Mr. Justice Sandeep Sharma, Judge.

Whether approved for reporting? yes

For the petitioner : **Mr. B.C. Negi, Senior Advocate with Mr. Nitin Thakur, Advocate.**

For the respondent : **Mr. J.S. Guleria and Mr. Vikrant Chandel, Dy. A.G., for the respondent-State.**

(through video conferencing)

Sureshwar Thakur, Judge (oral)

The writ petitioner seeks issuance, of, a NOC, appertaining to the sponsored category, for his hence therethrough validly applying and appearing, in the apposite examination, of Super-Speciality Course, (M Ch) Plastic Surgery and reconstructive surgery, from, PGIMER, Chandigarh. This Court had through an order, made on 16.10.2020, upon CMP No. 10949 of 2020, hence directed the respondents to grant the afore provisional NOC to the writ petitioner, for the relevant course. Though, in pursuance thereof, the writ petitioner, is, disclosed to, through an Annexure, occurring at page No. 154 of the paper

High Court of H.P.

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book, to be a successful candidate in the afore examination. However, the terms and conditions, borne therein, enjoin the writ petitioner, to obtain the relieving order, from his employer. The writ petitioner, for meteing compliance with the afore condition, addressed a communication, to the Director of Health Services. However, since the asked for relieving order, from the employer, has not been granted to the writ petitioner, by the Director, Health Service, thereupon, the learned counsel, for the writ petitioner, strives that the latter be directed, to issue, the relieving order.

2. Though, significantly, the undertaking(s) by the writ petitioner, of, the afore course, may and would breach, the contract executed interse him and the respondent, where through, he became enjoined to serve the respondents, for the term, mentioned in the bond. However, for ensuring that the writ petitioner improvises and galvanizes, his, medical skills, and, also when thereupon, the care givings by him, to the patients, within the state of H.P., would become, enhanced, (a) thereupon, for ensuring the improvisation(s), of, the medical skills, of the writ petitioner, and, the concomitant thereof benefits, assuredly accruing to the patients, taking treatment in the relevant speciality, in the hospital(s) concerned, (b) this Court directs the respondent, to issue, the relieving order to the writ petitioner. However, the afore is made subject to the writ petitioner, instituting, during the course of the day, an affidavit, in the

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Registry of this Court, with an echoing that he shall serve the Health Department of the Government, of, H.P., for a minimum period, of, seven years, as per the bond, already executed by him, with the respondent.

3. Consequently, the writ peti tion is disposed of. Also, the pending application(s), if any, are also disposed of.

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(Sureshwar Thakur)
Judge

(Sandeep Sharma)
Judge

December 31, 2020
Kalpana

High Court of H.P.

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