

Surabhi Sadavat Vs. HPPSC and Ors.

CWP No.6610 of 2025

28.11.2025 Present: Mr. Mohar Singh, Advocate, for the petitioner.

Petitioner present in person.

Mr. Vikrant Thakur, Advocate, for respondent No.1.

Mr. Sunil Mohan Goel, Sr. Advocate with Mr. Raman Jamalta, for respondents No.2 and 3.

Mr. Rajat Chaudhary, Assistant Advocate General, for respondent No.4-State.

Respondent No.1- the Himachal Pradesh Public Service Commission on 06.08.2024, invited online applications from the desirous and eligible employees of the H.P. Government Departments/ Boards/ Corporations/ Autonomous Bodies/ Universities/ Co-operative Banks of the State of Himachal having Bachelor's Degree from a recognized university with three years regular service for selection of 30 candidates for undergoing Pre-induction training at HIPA through Preliminary Entrance Examination followed by Main Entrance Examination for induction in Himachal Pradesh Finance & Accounts Services (HPF&AS). One of the conditions for appearing in the Entrance Examination

was production of No Objection Certificate (NOC) from the concerned employer.

2. Petitioner is presently serving with respondent No.2-H.P. State Cooperative Bank Limited. Respondent No.2-Bank furnished NOC to the petitioner on 11.04.2025 for appearing in the preliminary as well as main examination of HPF&AS with the condition that Bank shall not bear any kind of financial liability arising during and after the training period for the said post, citing there being no provision under the Bank Service Rules to bear such financial liability and there being no sanctioned post of HPF&AS in the respondent No.2-Bank. The said NOC reads as under:-

“Madam

It is kindly informed that we have received representations from some employees of the Bank wherein they have stated that their candidature is considered as proposed to be rejected' for the post of HPF&AS for want of clear cut NOC.

In context of above, it is apprised that Bank had provided NOC in favour of its Bank employees for appearing in preliminary as well as in Mains Exam of HPF&AS with the condition that Bank shall not bear any kind of financial liability arising during and after the training period for the said post as there is no provision under Bank's Service Rules to bear such

financial liability. Moreover, there is no sanctioned post of HPF&AS in the Bank.

It is kindly requested to allow all the employees of our organisation, who have qualified the preliminary exam, to appear in the Mains Examination of HPF&AS, lest they will be deprived off the opportunity to improve their career prospects as per their potential and capability. As far as the condition regarding bearing financial liability during their training period is concerned, the matter will be taken up before competent authority for decision and will be conveyed to your august office, accordingly.”

3. The petitioner qualified the preliminary examination held on 29.12.2024. Respondent No.1 did not allow the petitioner to participate in the main examination on the ground that NOC submitted by her employer was conditional. Feeling aggrieved, petitioner preferred this writ petition.

Vide interim order passed in this writ petition on 12.04.2025, respondent No.1 was directed to permit the petitioner to take the main examination on fulfillment of other codal formalities. Such participation of the petitioner was without prejudice to the rights and contentions of the parties. It was also ordered that petitioner's result would not be declared without leave of the Court.

On 04.09.2025, it was apprised that marks obtained by the petitioner were higher than the cut-off marks for the Un-reserved Category in the main examination.

In view of above, on 11.09.2025, respondent No.1 was accorded leave to declare the result of the selection process, but with the rider to keep one post of HPF&AS in the Un-reserved Category vacant.

4. Petitioner though has qualified the main examination, but is not being permitted to undergo the Pre-induction Training on the ground that her employer has not given her a clear NOC i.e. for bearing financial liabilities towards the petitioner as its employee and also sanctioning the leave in her favour for the training period. Petitioner is loosing out on her Training, hence, the present grievance.

5. Leaned counsel for the petitioner, on the basis of instructions imparted to him by the petitioner, present in person, submitted that petitioner will not claim any salary/ allowance/ emoluments etc. whatsoever from her employer (respondent No.2-Bank)

for the period of Pre-induction Training imparted by respondents for the post in question.

The question left now concerns leave to the petitioner by her employer for the training period. The case has peculiar facts. Petitioner being employee of respondent No.2-Bank is eligible to partake in the selection process for the post of HPF&AS but she is not being allowed to join the Pre-induction Training for want of her employer's unconditional NOC. The employer's reservation in issuing the unconditional NOC is in view of financial implication. This concern has been effectively addressed by the petitioner by unequivocally stating that she will not claim any salary/ allowances/ emoluments etc. due to her from respondent No.2-Bank for the training period. The other concern is sanctioning of leave in petitioner's favour by her employer-respondent No.2. Necessity for this arises as petitioner has to join the training as an in-service candidate. In view of peculiar position of the case where respondent No.2-Bank pleads having no sanctioned post of HPF&AS in the Bank, nonetheless,

its employees have been made eligible to participate in the recruitment process for selection against the posts of HPF&AS, taking into consideration the fact that petitioner intends to improve her career prospects, as also the NOC granted by the respondent No.2-Bank only with the rider of not undertaking any financial liability for the petitioner during and after the training period, petitioner now clearly forgoing all claims of salary/ allowances/ financial emoluments etc. from respondent No.2-Bank during the training period, in the interest of justice, equity and good conscience, respondents are directed to allow the petitioner to undertake Pre-induction Training for the post of HPF&AS. In view of above, the petitioner shall not be paid any salary/ allowances/ financial emoluments etc. whatsoever of any nature by respondent No.2-Bank for the period of Pre-induction Training. She shall, however, be granted leave for her training period.

All respondents, including respondent No.4 are directed to take all requisite steps for allowing

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the petitioner to undertake Pre-induction Training for the post of HPF&AS forthwith.

List for further orders after three weeks.

Jyotsna Rewal Dua
Judge

November 28, 2025
(*R.Atal*)