



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.9762 of 2026

Deeptimayee Soy

.....

Petitioner

Represented by Adv. –
Ms. Agnisikha Ray

-versus-

State of Odisha & Ors.

.....

Opposite Parties

Represented By Adv

Smt. Samsmita Nayak,
ASC

Mr. B. S. Tripathy, Adv.

(for O.Ps. 2 & 3)

CORAM:

**THE HON'BLE MR. JUSTICE ADITYA KUMAR
MOHAPATRA**

ORDER

Order No.

27.04.2026

- 03.
1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
 2. Heard learned counsel for the Petitioner as well as Mr. B. S. Tripathy, learned counsel appearing for the Opposite Party Nos.2 and 3 and learned counsel for the State/Opposite Party No.1.
 3. Perused the writ petition as well as documents annexed therein. By filing the present writ application, the Petitioner has sought for the following relief.

“Under the circumstances it is humbly prayed therefore that the Hon’ble Court may graciously be pleased to issue a rule NISI calling upon the



Opposite Parties to show cause as to why the rejection of representation dated 16.02.2026 shall not be quashed and why the Petitioner shall not be granted permission/NOC in his favour for appearing in various recruitment examination for jobs elsewhere. If the Opposite Parties fails to show cause or show insufficient cause, the said Rule may kindly be made absolute; or

Pass such other order(s)/direction(s) as this Hon'ble Court may think fit and proper. “

4. Learned counsel for the Petitioner contended that the Opposite Party Nos.2 and 3, the Odisha University of Health Sciences, Bhubaneswar was constituted recently. She further contended that for the counselling of the above noted University, the starting pattern was also approved by the Government, accordingly, the Petitioner was selected by following due procedure of law and appointed as Junior Assistant.

5. Learned counsel for the Petitioner further submitted that although the Petitioner is working under the Opposite Party Nos.2 and 3 and the discharging his duty sincerely, however, in the meantime, he has come across certain other job prospects and is desirous of participating in such selection. Further, the learned counsel submitted that for the Petitioner to participate in such selection process, the Petitioner sought for specific permission from the Opposite Party Nos.2 and 3. However, such permission having been rejected by virtue of impugned order dated 16.02.2026 at Annexure-4 Series, the Petitioner has approached this Court by filing Writ Application.

6. In Course of argument, learned counsel for the Petitioner



contended that the Petitioner is working as a Junior Assistant under the newly formed University, which is under the Health and Family Welfare Department, Government of Odisha. It was further submitted before this Court that the Petitioner came across certain better career prospects, therefore he is interested to apply for such job opportunities by submitting his candidature for selection to such posts. Learned counsel for the Petitioner further contended that the Opposite Party Nos.2 and 3 rejected the prayer of the Petitioner for grant of permission/NOC by virtue of impugned order dated 16.02.2026 at Annexure-4 Series, by the Registrar, Odisha University of Health Sciences, Bhubaneswar/Opposite Party No.3. She further submitted that the prayer of the Petitioner for grant of permission/NOC has been rejected pursuant to the decision taken by the Vice-Chancellor, Odisha University of Health Sciences, Bhubaneswar to not to grant NOC to the Junior Assistants within their probation period to appear in any kind of examination for appointment elsewhere. Being aggrieved of such decision of the Opposite Party Nos.2 and 3, the Petitioner has approached this Court by filing the present Writ Application.

7. In course of argument, learned counsel for the Petitioner, referring to the circular for various departments with regard to grant of permission/NOC in favour of the Government employees working under the Administrative control of Health and Family Welfare Department, submitted before this Court that various departments have taken decisions from time to time keeping in view the circular for serving employees for grant of permission/NOC to appear in various recruitment examinations to various jobs. She further



referred to some of the orders passed by some departments wherein, standing orders have been passed by the respective departments granting standing permission/NOC to the employees subject to certain terms and conditions as has been laid down therein. She further submitted that the Petitioner only sought for permission/NOC to appear in the recruitment examination and not to quit his present job at the University. In such view of the matter, learned counsel for the Petitioner contended that there is no apprehension of the Petitioner quitting the job in the University causing difficulty to the University. However, the University has decided to reject the prayer of the Petitioner for grant of permission/NOC on the ground that the Petitioner has sought for permission to quit the job. In such view of the matter, the learned counsel for the Petitioner contended that the decision of the Opposite Party Nos.2 and 3 not to grant permission/NOC to the Petitioner to appear in different recruitment examinations curtails the legitimate expectation of the Petitioner to apply for better job prospects by appearing in different recruitment examinations. She further alleges that such conduct of Opposite Party Nos.2 and 3 is not only illegal but also unconstitutional, since such conduct restricts the Petitioner's fundamental right to apply for a better job.

8. On written instruction, the learned counsel for the Opposite Party Nos.2 and 3 submitted before this Court that the University has appointed 42 Junior Assistants out of which 37 Junior Assistants have applied for permission/NOC to appear in different recruitment examinations. In the said context, the learned counsel submitted to this Court that the University in question having been created in the



recent past, is running short of staff. In the event, the Petitioner and other similar Junior Assistants leave the job, it would be difficult to run the university and an unfortunate scenario may arise in future where the University has to close its doors due to non-availability of Junior Assistants.

9. Learned counsel appearing for the Opposite Party Nos.2 and 3 further submitted that taking into consideration the requirement of the Petitioner in the day-to-day counselling activities of the University, his application seeking permission/NOC to appear in different recruitment examinations has been rejected by the Vice-Chancellor of the university. She further submitted that such a decision by the Vice-Chancellor is crucial keeping in view the prevailing service exigencies and the institutional requirements of the University. Moreover, such a decision is also in furtherance of the greater interest of approximately 35,000 students who have enrolled in various affiliated institutions under the University. In such view of the matter, Mr. Tripathy, learned counsel appearing for the Opposite Party Nos.2 and 3-University submitted that the prayer made by the Petitioner in present writ application is baseless and the same is not supported by any legal authority. As such, it was submitted that the present writ application be dismissed.

10. Learned counsel for the State, on the other hand, on instruction, referred to the standing orders passed by various departments of Government of Odisha including the one by the Finance Department, The Home Department, Housing and Urban Development Department, Department of Agriculture and Farmers



Empowerment, ST and SC Development, M&BC Welfare Department, Health and Family Welfare Department and Food Supply and Consumer Welfare Department as well as Department of Water Resources. Referring to the aforesaid standing orders, learned counsel for the State contended that a standing order has been issued by the different department of Government of Odisha thereby resolving that no further permission/NOC would be required by any of the serving employees to appear in any recruitment examination. Such appearance of the serving employees in any recruitment examination would be automatic, however, the same shall be subject to certain terms and conditions as fixed in the standing order. In such view of the matter, learned counsel for the State contended that the present writ application is debarred of merit in view of the standing orders issued by different departments of the Government of Odisha. He further submitted that no such permission/NOC is required by the employees of the University as has been decided by various departments by standing orders. Copies of the standing orders are produced before this Court and the same are taken on record.

11. Having heard the learned counsels appearing for the respective parties, on a careful examination of the background facts as well as the documents annexed to the present writ application, this Court found that the Petitioner, who is working as Junior Assistant under the Opposite Party Nos.2 and 3-University has approached this Court by filing the present writ application being aggrieved by the order dated 16.02.2026, whereby the Vice-Chancellor of the University/Opposite Party has rejected his prayer for grant of permission/NOC to appear in various recruitment examinations.



Such decision of Vice-Chancellor was communicated by the Registrar of the University vide letter dated 16.02.2026, at Annexure-4 Series. On a close scrutiny of the impugned order dated 16.02.2026, this Court observes that the Vice-Chancellor was pleased to pass an order not to grant permission/NOC to the Junior Assistant within their period of probation to appear in any kind of examination for appointment elsewhere in order to avoid hampering public service being offered by the Opposite Party/University. Such a decision taken by the Vice-Chancellor of the University, as it appears, is based on the apprehension that the Petitioner might quit the service of the University which would most definitely cause an inconvenience in the day-to-day functioning of the University. On a careful consideration of the prayer made by the Petitioner, further keeping in view the submissions made by the learned counsel for the Petitioner, this Court found that the Petitioner has sought for permission/NOC only to appear in a recruitment examination. Moreover, his appearance in the recruitment examination does not necessarily mean that he will be selected and will be appointed by other employers. Also, in the event he is selected, he has to seek specific permission of Opposite Party Nos.2 and 3-University before he can resign from duty.

12. This Court has also perused the Standing orders issued by different departments of Government of Odisha filed by the learned counsel for the State. On perusal of standing orders issued by different departments of Government of Odisha, this Court found that the same does not contain any specific mention prohibiting filing of applications seeking permission/NOC to appear in the recruitment



examination. Such standing orders have been issued by different departments as they are issuing huge numbers of applications seeking permission/NOC to appear in the recruitment examinations. Such departments, vide their standing orders, have taken a decision requiring the employees not to file any such application seeking permission/NOC and a decision has been taken that such permission/NOC shall be automatic, although the same shall be subject to certain terms and conditions issued by different departments. So far the Health and Family Welfare Department is concerned, under which the Opposite Party Nos.2 and 3 operate, such department has issued a standing order dated 10.09.2025. The aforesaid standing order applies to the Medical Officers of OMHS Cadre and Dental Surgeons of OMS (Dental) Cadre working under the said department to apply for certain specific posts. Therefore, this Court is of the view that such standing order would not be applicable to the Petitioner. Similarly, a detailed standing order has been issued by the Finance Department, Government of Odisha dated 22.10.2024, which is applicable to the Government employees working under the administrative control of the Finance Department for appearing in various recruitment examination or for applying for jobs elsewhere. On a close scrutiny of the Standing Order dated 22.10.2024, it appears that the Finance Department, Government of Odisha has granted standing permission and No Objection Certificate in favour of officers and employees working under the administrative control of the Finance Department for appearing in any recruitment examination subject to certain terms and conditions. Such terms and conditions are quoted hereinbelow;-



“1. The employee shall not neglect his/her official duties/responsibilities for appearing in any examination or for applying for any job.

2. The employee must take prior permission of competent authority for leave and Head Quarter leaving permission, wherever required, for appearing in any recruitment examination/job interview.

3. This ‘Standing Permission/NOC’ shall not be construed as permission of the Department to relieve the employee from its administrative control. In case the employee is selected for the job applied for, he/she must seek approval of this Department, through proper channel, to be relieved from his/her current service. Notwithstanding anything contained in this order, in public interest or for any other justifiable reason, the Department reserves the right to refuse to relieve the employee from his/her current service.”

13. In view of the aforesaid analysis of the factual background of the present case, further taking the note of the Standing Orders issued by different departments of Government of Odisha which are in the same line, this Court is of the view that the impugned order of rejection dated 16.02.2026 is unsustainable in law and, accordingly, the same is hereby set aside. The matter is remanded back to the Opposite Party Nos.2 and 3 to reconsider the prayer of the Petitioner keeping in view the Standing Orders issued by various Departments of the State Government, particularly the one issued by the Health and Family Welfare Departments, Government of Odisha under which the Opposite Party-University is functioning. Let the Petitioner approach the Opposite Party Nos.2 and 3-University along with a copy of the today's order within two weeks from today. In such eventuality, the Opposite Party Nos.2 and 3 in consolidation



with the Opposite Party No.1, shall reconsider the prayer of the Petitioner for grant of permission/NOC keeping in view the Standing Orders of different departments of the Government of Odisha, including the one by the Health and Family Welfare Department and take a final decision within six weeks from the date the Petitioner approaches the Opposite Party Nos.2 and 3-University. The decision taken by the Opposite Party Nos.2 and 3 be communicated to the Petitioner within a week thereafter.

14. With the aforesaid observation and direction, the Writ Application is disposed of.

(A.K. Mohapatra)

Judge

Sumitra