



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 27340 of 2026

CNR No.ODHC010655252026

Dr. Anubha Mohanty

.....

Petitioner

Mr. A. Mishra, Advocate

-versus-

State of Odisha & Ors.

.....

Opposite Parties

Mr. P.K. Sahoo, ASC

CORAM:

THE HON'BLE MR. JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

18.09.2026

Order No. 03

1. This matter is taken up through hybrid mode.
2. Pursuant to order dated 27.08.2026, learned ASC produced further instruction in Court so issued by the Dept. The same be kept in record.
3. Basing on the instruction, learned ASC contended that since a doctor employed under the State Govt. is only permitted to prosecute SRship in any institution within the State and in AIIMS, Bhubaneswar, Petitioner was earlier permitted to have her SRship in AIIMS, Bhubaneswar. But since Petitioner has now been selected to prosecute SRship in ESIC Medical College and Hospital, BBSR, no NOC can be granted in favour of the Petitioner, which has been rejected.
4. Heard learned counsel for the Parties.
5. The present Writ Petition has been filed inter alia with the following prayer:-



“Under these facts and circumstances, it is most humbly prayed therefore, that this Hon'ble Court may graciously be pleased to quash the impugned rejection letter no. 21492/H dated 10.08.2026 under annexure-12 so far it relates to the petitioner, And further be pleased to direct the Opp. party no-1 to issue NOC in favour of the petitioner immediately enabling her to join in the post of Senior Resident in the department of Paediatrics in ESIC Medical College and Hospital, Bhubaneswar to which she has been selected pursuant to advertisement under annexure-8.

Or in the alternative pass any other order/orders as deem fit and proper in this case,

And for the said act of kindness, the petitioner as in duty bound shall ever pray.”

6. Learned counsel appearing for the Petitioner contended that Petitioner while continuing as an Assistant Surgeon in the Health & Family Welfare Dept. of the Govt. after being appointed vide notification dated 08.03.2019 under Annexure-1, he was permitted to prosecute SRship in AIIMS, Bhubaneswar with issuance of NOC vide letter dated 18.11.2025 under Annexure-3.

6.1. It is contended that Petitioner was allowed to prosecute such SRship on temporary basis for a period of 44 days by AIIMS, Bhubaneswar. But prior to completion of the required one year of SRship, Petitioner apprehending disengagement after 23.09.2026, because the post has been advertised to be filled up on regular basis by AIIMS, Bhubaneswar, made her application to prosecute SRship in ESIC Medical College & Hospital, Bhubaneswar, pursuant to the Advertisement issued on 24.07.2026 under Annexure-8.

6.2. It is contended that Petitioner has been selected to prosecute SRship as per the result published on 19.08.2026 under Annexure-



13. But since State-Opp. Party No.1 refused to issue the NOC permitting the Petitioner to proceed with SRship ESIC Medical College & Hospital, BBSR, the present Writ Petition has been filed seeking a direction on Opp. Party No.1 to issue the NOC as well as the relieve order..

6.3. Learned Counsel appearing for the Petitioner contended that since prior to completion of the required one year of SRship in AIIMS, Bhubaneswar, Petitioner is apprehending disengagement w.e.f. 23.09.2026, unless, she is permitted to prosecute her SRship in ESIC Medical College & Hospital, BBSR in which she has been selected, Petitioner will be seriously prejudiced in getting the benefit of appointment as against the post of Assistant Professor in future.

6.4. It is accordingly contended that Petitioner be permitted to prosecute his SRship in ESIC Medical College & Hospital, BBSR with due issuance of the NOC as well as the relieve order. It is further contended that Petitioner is ready to furnish undertaking before Opp. Party No.1, that after completing the SRship, she will continue under Opp. Party No.1.

7. Mr. P.K. Sahoo, learned ASC basing on the instruction contended that since ESIC Medical College & Hospital, BBSR has not yet been enlisted as an institution where such permissions can be granted to an incumbent Assistant Surgeon working under the State, Petitioner's claim to get the NOC was rejected vide letter dated 10.08.2026 under Annexure-12.



7.1. It is however not disputed that Petitioner was earlier granted NOC to prosecute SRship in AIIMS, BBSR, on the ground that AIIMS, BBSR is an institute of national importance.

7.2. It is accordingly contended that since ESIC Medical College & Hospital has not been enlisted in the list of medical colleges, where an incumbent Asst. Surgeon of the State can be allowed to prosecute SRship, no illegality or irregularity can be found with the impugned rejection.

8. Having heard learned counsel for the Parties and considering the submission made, this Court finds that Petitioner while continuing as an Assistant Surgeon under the State Govt., she was permitted to prosecute SRship in AIIMS, BBSR with issuance of NOC vide letter dated 18.11.2025 under Annexure-3. Pursuant to such NOC, Petitioner was permitted to prosecute SRship in the Dept. of Neonatology on temporary basis for a period 44 days vide letter dated 27.02.2026 issued under Annexure-4 of AIIMS, Bhubaneswar.

8.1. Considering the submission that no further extension will be allowed beyond 23.09.2026 by the authorities of AIIMS, in allowing the Petitioner to continue with her SRship and accordingly Petitioner will be deprived to have the required one year of SRship, this Court taking into account the fact that ESIC Medical College & Hospital, BBSR is established only this year and is functioning at BBSR, is of the view that no prejudice will be caused to either of the Parties, if Petitioner is issued with the NOC to prosecute her SRship in ESIC Medical College & Hospital, Bhubaneswar being an institution of repute.



8.2. Since it is contended that authorities of ESIC Medical College & Hospital, Bhubaneswar has allowed time till 21.09.2026 to get herself admitted to prosecute SRship, this Court directs Opp. Party No.1 to issue the NOC as well as relieve order by tomorrow (19.09.2026).

8.3. Learned ASC is directed to provide a copy of this order to Opp. Party No.1 for compliance in course of the day.

8.4. However, it is observed that this order is being passed on special circumstances and it will not be treated as a precedent in case of similar nature.

9. Accordingly, the Writ Petition stands disposed of.

(BIRAJA PRASANNA SATAPATHY)
Judge

Jyoti