

(2017) 12 DEL CK 0489

In the Delhi High Court

Case No : Civil Writ Petition No. 11567 Of 2017, Civil Miscellaneous Application No. 47141, 47142 Of 2017

SGT Ravi Kumar

APPELLANT

Vs

Union Of India And Ors.

RESPONDENT

Date of Decision : 22-12-2017

Acts Referred:

Citation : (2017) 12 DEL CK 0489

Hon'ble Judges : Hima Kohli, J; Rekha Palli, J

Bench : Division Bench

Advocate : Virender Singh Kadian, Anurag Ahluwalia, Tejaswita

Final Decision : Disposed Of

Judgement

1. The petitioner, who is a Sergeant in the Indian Air Force and presently posted at ASTE, Bangalore, has filed the present petition praying inter alia for issuing directions to the respondents/Indian Air Force, for issuance of a No Objection Certificate in his favour, to enable him to appear in the interview to be conducted by the respondent No.5/Institute of Banking Personnel Selection (in short "IBPS") on 02.01.2018, for appointment to the post of officer Scale-I in Regional Rural Banks.
2. Learned counsel for the petitioner states that the respondent No.5/IBPS had issued a Notification dated 22.07.2017, for conducting recruitment to the post of Officer Scale-I in the Regional Rural Banks. In response thereto, the petitioner had submitted his application. Admittedly, the petitioner did not obtain a NOC from the respondents before submitting his application for seeking recruitment to the subject post.
3. Learned counsel for the petitioner further submits that the petitioner cleared

his preliminary examination on 10.09.2017 and the final examination on 20.11.2017, the results whereof were declared in the last week of November, 2017. Only thereafter, did the petitioner submit an application dated 28.11.2017 to the respondents for issuance of a NOC to enable him to participate in the final interview to be conducted by the respondent No.5/ IBPS for appointment to subject post, on 02.01.2018.

4. Counsel for the petitioner submits that recently, respondent No.2 has issued a circular dated 08.12.2017, which permits Airman/NCs(E) to submit an application for grant of NOC for civil posts through proper channel even after receiving the call letter for appearing in the interview/verification of documents or after the result of written test. He states that the petitioner has submitted a representation dated 28.11.2017 to the respondents, requesting them to issue a NOC, which remains unanswered and there is an urgency in the matter as the interview for the subject post is scheduled on 02.01.2018.

5. Mr. Ahluwalia, learned counsel for the respondents No.1 to 4, who appears on advance notice, states that the benefits under the Circular dated 08.12.2017 cannot be extended to the petitioner as according to him, even the said Circular clarifies in para 9(a) that an individual must seek prior permission from his higher officers before applying for civil posts through online registration, which has not been followed by the petitioner.

6. Be that as it may, as the representation of the petitioner for grant of a NOC is still pending at the end of the respondents and no decision has been conveyed to him, the respondents are directed to consider the said representation in accordance with the relevant rules and keeping in mind the facts

of the present case and pass a speaking order within one week from today under written intimation to the petitioner.

7. The petition is disposed of alongwith the pending applications. DASTI to the parties under the signatures of the Court Master.