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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

CNR No. DLHC010367052026

+ **W.P.(C) 11381/2026**

RAHUL GIRI

.....Petitioner

Through: Mr. Abhay Kumar Bhargava, Mr.
Ajinkya Dhalwade and Mr. Nikhel
Kumar, Advocates.

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Ms. Rupali Bandhopadhyaya, CGSC
with Mr. Amit Peshwani, Mr. Abhijeet
Kumar, Ms. Amisha Gupta and Mr.
Rajat Mohan Dwivedi, GP.

CORAM:

HON'BLE MR. JUSTICE NITIN WASUDEO SAMBRE

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

% **01.09.2026**

CM APPL. 58886/2026 (Early hearing)

1. The present application has been filed by the petitioner under Section 151 of CPC seeking early hearing.
2. For the reasons stated in the application, the application is allowed and disposed of.
3. With the consent of the parties, the matter is taken up for hearing.

W.P.(C) 11381/2026

4. The present petition under Article 226 of the Constitution of India, 1950, seeks the following prayers: -



“(i) Issue an appropriate writ, order or direction, more particularly a writ in the nature of Certiorari, quashing and setting aside the Inter-Office Note dated 29.11.2024 ISSUED BY THE DIG, CIJWS, the Inter-Office Note dated 28.03.2026, the communication/Inter-Office Note dated 21.06.2026, and the Inter-Office Note dated 06.07.2026 ISSUED BY THE COMMANDANT 44 BN ITBP,

(ii) Issue an appropriate writ, order or direction, more particularly a writ in the nature of Mandamus, directing the Respondents to treat the Petitioner's representation dated 07.11.2024, submitted through the proper channel, as a valid request for grant of a No Objection Certificate under the applicable rules, executive instructions and departmental policy, and to issue the requisite No Objection Certificate (NOC) / Permission in favour of the Petitioner enabling him to join the post of Allopathic Pharmacist under the Government of UKMSSB, and further permit him to tender Technical Resignation and released the with all consequential service benefits;

(iii) Issue an appropriate writ, order or direction, more particularly a writ in the nature of Mandamus, directing the Respondents DO ITBP to permit the Petitioner to tender Technical Resignation from the post of Assistant Sub-Inspector (Pharmacist), Indo-Tibetan Border Police Force, and to relieve him from service with continuity of service in the light of the judgement dated 06.03.2024 in writ petition NO. 5061/2023, titled as TELASULA ANIL KUMAR VS. UNION OF INDIA & ORS., passed by this Hon'ble Court of Delhi;

(iv) Pass any other order in the interest of Justice.”

5. We have heard the respective counsels.
6. The challenge in the petition is to the communication/inter-office note dated 29th November, 2024, 28th March, 2026 and 21st June, 2026 whereby,



the request made by the petitioner for issuance of NOC for participating in the Government Medical College Exam-2024 and Pharmacist State Insurance Scheme Labour Department Exam-2024, came to be rejected.

7. Amongst other, the ground cited by the respondents was that the petitioner sought NOC for getting selected on the post which is lower in rank than the post which, at present, he is occupying. It is a matter of fact that the petitioner is at present occupying the post of Assistant Sub-Inspector (Pharmacist) with the respondent(s)/department.

8. The aforesaid communications are based on the administrative instructions dated 3rd June, 2015, which reads thus: -



28/11/2014
14-6-15 2769
5/6/15

संख्या-1-45011/06/2014/स्थापना- 10834-99
महानिदेशालय, भारत तिब्बत सीमा पुलिस
गृह मंत्रालय/भारत सरकार
ब्लॉक-2, कैंडीव कार्यालय परिसर
लोधी रोड, नई दिल्ली-110003

दिनांक 03/06/15

//कार्यालय आपन//

विषय: SSC, UPSC, others Department एवं भा.ति.सी.पुलिस बल द्वारा आयोजित की जाने वाली उच्च पदों की भर्ती परीक्षाओं हेतु अनापत्ति प्रमाण पत्र (NOC) प्रदान करने विषयक दिशा-निर्देश।

बल की सभी ईकाई/फॉर्मेशन द्वारा वर्तमान समय में बल कार्मिकों के SSC, UPSC एवं others Departments द्वारा आयोजित की जाने वाली विभिन्न पदों की भर्ती परीक्षाओं हेतु अनापत्ति प्रमाण पत्र (NOC) प्रदान करने हेतु मामलों महानिदेशालय को अद्योषित किये जाते हैं।

इस संबंध में महानिदेशालय द्वारा पूर्व में जारी निर्देशों की समीक्षा की गई तथा यह निर्णय लिया गया कि यदि कोई कर्मचारी SSC, UPSC, Other Departments एवं बल द्वारा आयोजित की जाने वाली उच्च पदों की भर्ती परीक्षाओं हेतु ऑन लाईन अथवा ऑफ लाईन के माध्यम से आवेदन करता है एवं इसकी सूचना संबंधित कार्यालय को समय पर प्रस्तुत करता है, तो उन्हें Swampy's Establishment & Administration Manual के अध्याय-45 में उल्लेखित निर्देशों के अनुसार, संबंधित भर्ती परीक्षा में सम्मिलित होने के लिए अनुमति एवं अनापत्ति प्रमाण पत्र (NOC) प्रदान किये जाने हेतु निम्नानुसार अधिकारियों को प्राधिकृत किया जाता है :-

Sl. No.	Rank	Competent Authority
1	Constable to ASI in Units.	Commandant
2	Sub Inspector in Units	DIG, Sector
3	Inspectors in Units.	IG, Frontier
4	All ranks upto Sub Inspector in Sector.	DIG, Sector
5	All ranks upto Inspector in Frontier.	IG, Frontier
6	All ranks upto Sub Inspector in Training Centres.	DIG of Trg. Centre
7	All ranks upto Sub Inspector in L&C.	DIG (L&C).
7	Inspectors of Training Centres	IG(Trg.)
8	Inspectors of L&C	IG(L&C)
9	All ranks upto Inspector of Dte. Genl. (Including all offices of Directorate)	IG, Hqrs
10	Gazetted Officers in ITBP	DG, ITBP

03/06/15

लगातार....



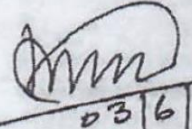
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3. उपरोक्त संदर्भ में फ्रंटियर/जोनल द्वारा सम्बन्धित मासिक रिपोर्ट (राजपत्रित अधिकारियों के संदर्भ में कार्मिक अनुभाग एवं अराजपत्रित कार्मिकों के संदर्भ में स्थापना अनुभाग) महानिदेशालय को प्रत्येक माह की की 05 तारीख तक निम्नलिखित प्रारूप में प्रेषित की जानी सुनिश्चित की जायेगी:-

Sl. No.	Unit / Formation	Official applied for NOC (During the month) (with Regt No/ Rank & Name)	Name of the Exam. / Post which is applied for.	Issued permission for appearing in exam.	Issued NOC after qualifying written exam.	If any case rejected (Mention with reason)	Remarks, if any
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4. बल से अन्य विभागों में प्रतिनियुक्ति पर तैनात कार्मिकों को अनापत्ति प्रमाण पत्र प्रदान करने बाबत मामलों का निपटारा पूर्व की भांति महानिदेशालय, भा.ति.सी.पुलिस द्वारा किया जायेगा।

5. यह महानिदेशक, भा.ति.सी.पुलिस को अनुमोदन से जारी किया जा रहा है।


03/6/15
(के०डी० द्विवेदी)
उप महानिरीक्षक(स्थापना)

वितरण :-

1. महानिरीक्षक, समस्त फ्रंटियर/जोन मुख्यालय, भा.ति.सी.पुलिस।
2. निदेशक (चिकित्सा), महानिदेशालय, भा.ति.सी.पुलिस।
3. उप महानिरीक्षक (प्रशासन), महानिदेशालय, भा.ति.सी.पुलिस।
4. उप महानिरीक्षक, समस्त क्षेत्रीय मुख्यालय/प्रशिक्षण केन्द्र, भा.ति.सी.पुलिस।
5. मुख्य प्रशासनिक अधिकारी, के०अ०का०, भा.ति.सी.पुलिस।
6. सेनानी, समस्त बाहिनियां एवं आधार चिकित्सालय, भा.ति.सी.पुलिस।
7. सेनानी, 7वीं एवं 8वीं वाहिनी, एन.डी.आर.एफ.
8. आदेश फोल्डर।

9. The plain reading of the aforesaid administrative instructions dated 3rd June, 2015, nowhere reflects that, in case, the employee of the respondents, like the present petitioner, seeks NOC for appearing in any employment related examination, the same cannot be issued, in case, such exam/posts for which the candidate intended to appear and the exam to be conducted is for a post lower in rank than, which such candidate is occupying with the respondent(s)/department.



10. Reliance placed by the respondents on the aforesaid administrative instructions dated 3rd June, 2015, is misplaced. Even otherwise, it is for a candidate, like a petitioner, to opt for a lower category post than the post he is occupying, provided, he feels that he has stability, and can stay with his family.

11. In the aforesaid background, the impugned orders/communication/inter-office note issued by the respondents in the form of interdepartmental communications are without any legal basis, and as such, same are quashed and set aside.

12. We direct the respondents to *forthwith* issue NOC to the petitioner so as to enable him to join on the selected post. Let the NOC be issued to the petitioner in any case, within a period of five working days from today.

13. The petition stands allowed in above terms.

14. Pending application(s), if any, also stands disposed of.

15. The date already fixed, *i.e.*, 9th September, 2026 stands cancelled.

16. Order be uploaded on the website of this Court, *forthwith*.

NITIN WASUDEO SAMBRE, J

AMIT SHARMA, J

SEPTEMBER 01, 2026/bsr/ns