



\$~128

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

CNR No. DLHC010389002026

+ **W.P.(C) 12082/2026, CM APPL. 56083/2026**

DR. RASHI BANKAR

.....Petitioner

Through: Mr. Anurag Jain, Mr. M.A. Khan, Mr. M. Ahmad, Mr. O.P. Agarwal, Mr. Aashish Pratap Singh and Mr. Sagar Singh, Advocates with Petitioner in person.

versus

JAWAHARLAL NEHRU UNIVERSITY AND ANR Respondents

Through: Ms. Ginny Jetley Rautray and Mr. Arnav Tandon, Advocates.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

%

20.08.2026

1. The Petitioner is a Senior Technical Assistant with Respondent No. 1- Jawaharlal Nehru University ("JNU"). In October 2021, Respondent No. 2- Food Safety and Standards Authority of India ("FSSAI") invited applications for appointment to various posts on deputation, including the post of Assistant Director (Technical). The Petitioner applied for the said post after obtaining a No Objection Certificate from JNU and was selected by FSSAI.
2. When JNU subsequently declined to relieve the Petitioner on account of shortage of staff, she approached this Court in W.P.(C) 9632/2022. By



order dated 27th July, 2022, the said petition was allowed and JNU was directed to relieve the Petitioner to enable her to join FSSAI. Consequently, by Office Order No. 146/2022 dated 27th July, 2022, JNU relieved the Petitioner from her substantive post for joining FSSAI as Assistant Director (Technical) on deputation for a period of three years. The Petitioner accordingly commenced her deputation with FSSAI with effect from 27th July, 2022.

3. Upon completion of the initial three-year tenure, JNU granted its concurrence for extension of the Petitioner's deputation for a further period of one year. Pursuant thereto, FSSAI issued Office Order No. 170/2025 dated 25th August, 2025, extending the deputation from 27th July, 2025 to 26th July, 2026. The relevant portion thereof reads as follows:

“Dated: 25.08.2025

Office Order No. 170/2025

*In continuation to this Authority's Letter dated 25.04.2025, Concurrence of “Jawaharlal Nehru University”, vide Letter dated 25.07.2025 and with the approval of the Competent Authority in the Ministry of Health & F.W., the Deputation period of **Ms. Rash Bankar** as Assistant Director (Tech.) is extended for a further period of one year i.e. from 27.07.2025 to 26.07.2026 (4th Year). This extension is subject to provisions laid down in Department of Personal & Training OM No. 6/8/2009- Estt. (Pay II) dated 17th June, 2010 & OM No. 2/6/2018 – Estt (Pay- II) dated 18th May, 2018 as amended from time to time.*

2. *This order does not confer any right to the officer to claim continuance/absorption in FSSAI.*

3. *Office order no. 158/2025 dated 14.08.2025 hereby stands cancelled.*

4. *This issues with the approval of competent authority.*

(Ajay Rana)
Assistant Director (HR)”

4. As the extended tenure approached its conclusion, the Petitioner



expressed her willingness to continue with FSSAI for a fifth year. FSSAI also sought JNU's concurrence for such extension. By communication dated 13th May, 2026, FSSAI informed JNU that the Petitioner was clear from the vigilance angle and requested concurrence for retaining her for a further period of one year, from 27th July, 2026 to 26th July, 2027. The communication expressly stated that the proposed extension would continue to be governed by the applicable DoPT Office Memoranda and would not confer any right of absorption in FSSAI or of extension beyond the approved period.

5. The said request was reiterated by the Executive Director, FSSAI, who addressed a communication to the Vice-Chancellor, JNU, highlighting the Petitioner's responsibilities in the Quality Assurance Division, including her involvement with the National Reference Laboratory Scheme, Food Analyst Examination, strengthening of State Food Testing Laboratories and the NetSCoFAN programme, and requested that an NOC be issued to enable her to continue for another year.

6. JNU, however, declined to grant concurrence for the fifth year and, by the impugned communication dated 16th July, 2026, requested FSSAI to repatriate the Petitioner on completion of her existing tenure. The communication reads as follows:

"F.No. F.I/260/Admin-IV/2545

16.07.2026

To,

*Sh. Ajay Rana
Assistant Director (HR),
Food Safety and Standards Authority of India (FSSAI),
FDA Bhawan, Kotla Road, New Delhi-110002.
Email Id: rana.ajay@fssai.gov.in*



Sub: Extension of Deputation tenure of Ms. Rashi Bankar, Assistant Director (Tech.) in FSSAI-reg.

Sir,

This has reference to your letter No. HR-19016/44/2022-HR-FSSAI dated 13.05.2026 on the subject cited above received through e-mail dated 18.05.2026.

In this connection, I am directed to inform you that the matter regarding extension of the tenure of deputation in respect of Ms. Rashi Bankar for a further period of one year w.e.f. 27.07.2026 to 26.07.2027 (5th Year) was placed before the Competent Authority, but the same is not acceded to, as the University is already facing acute shortage of the staff. Moreover, her earlier deputation term (4th Year) was extended by the University vide its letter No. F.I/260/Admin-IV/457 dated 25.07.2025 for 4th year w.e.f. 27.07.2025 to 26.07.2026, as a special case, as per her commitment before the Hon'ble Vice Chancellor of the University that she would not ask for any further extension of her deputation in future. Kindly also refer to our letter dated 25.07.2025 wherein it was categorically mentioned that the extension granted to her was last and final extension and no further extension would be granted thereafter.

In view of the above, it is requested that Ms. Rashi Bankar may be relieved/repatriated to join her duty in the University on completion of her existing deputation tenure on 26.07.2026.

*Yours Sincerely,
Sd/-
REGISTRAR"*

7. Consequent thereto, FSSAI issued Office Order No. 139/2026 dated 24th July, 2026 relieving the Petitioner with effect from 26th July, 2026 upon completion of her deputation tenure. Her request for 60 days' child care leave from 27th July, 2026 to 24th September, 2026, on reversion from deputation, was also sanctioned. The Petitioner has thereafter instituted the present petition seeking quashing of JNU's communication dated 16th July, 2026 and a direction to JNU to grant the requisite NOC/concurrence for extension of her deputation with FSSAI for a further period of one year.
8. Counsel for the Petitioner contends that JNU's refusal is arbitrary and



unreasonable. He submits that FSSAI requires the Petitioner's services and has specifically recommended continuation of her deputation having regard to the nature of the assignments being handled by her. JNU has failed to take these considerations, as well as the larger public interest involved, into account. It is further urged that the commitment referred to in the impugned communication, that the Petitioner would not seek any further extension, was obtained under coercion and cannot furnish a valid basis for declining her request.

9. The Court has considered the afore-noted submissions but finds no ground to interfere with the impugned decision. At the outset, a distinction must be drawn between the permissibility of an extension of deputation and an enforceable right to such extension. The terms governing the Petitioner's deputation contemplated an initial tenure of three years and permitted extension beyond that period. They did not, however, confer upon the Petitioner a right to continue on deputation for the maximum permissible tenure.

10. In *State of Punjab v. Inder Singh*,¹ the Supreme Court explained that deputation is temporary service outside the employee's parent cadre or department and that, upon expiry of the deputation period, the employee ordinarily returns to the parent department. In *Pondicherry University v. V. Venkatesan*,² the Supreme Court reiterated that a deputationist ordinarily has no right to continue on deputation. The Court, however, distinguished a case where the deputationist is sought to be repatriated before expiry of the tenure stipulated in the deputation order, holding that such premature

¹ (1997) 8 SCC 372.

² (2005) 8 SCC 394.



repatriation must be supported by justifiable reasons.

11. The present case does not involve any premature curtailment of the Petitioner's deputation. She completed the initial tenure of three years and was thereafter granted an extension for a fourth year, from 27th July, 2025 to 26th July, 2026. That tenure has also run its course. Significantly, the Office Order dated 25th August, 2025, granting the fourth-year extension expressly stipulated that it would not confer any right upon the Petitioner to claim continuance or absorption in FSSAI. Thus, although the applicable framework permitted a further extension, it did not assure one. Upon expiry of the tenure actually sanctioned, no right accrued in favour of the Petitioner to insist upon continuation for a fifth year merely because such an extension was permissible.

12. The fact that FSSAI is willing to retain the Petitioner does not alter this position. The communications issued by FSSAI undoubtedly indicate that Petitioner's services were considered useful for the technical assignments being handled by her. However, the requirement of the borrowing organisation cannot, by itself, compel the parent organisation to continue lending the services of its employee beyond the tenure for which it has granted concurrence. JNU has considered FSSAI's request and declined further extension on the ground, *inter alia*, that the University is facing an acute shortage of staff. The assessment of its staffing requirements is ordinarily a matter falling within the administrative domain of the University, and no material has been placed before the Court which would justify substituting its assessment with that of the Court.

13. There is also an additional circumstance which bears upon the Petitioner's claim. The impugned communication records that the extension



for the fourth year had been granted as a special case on the basis of the Petitioner's commitment before the Vice-Chancellor that she would not seek any further extension, and that JNU's communication dated 25th July, 2025 had specifically stated that the extension would be the last and final one. The Petitioner seeks to overcome this circumstance by alleging that the said commitment was obtained under coercion. However, apart from this assertion, no particulars have been pleaded or material placed on record to demonstrate the nature or circumstances of the alleged coercion.

14. The Court is also conscious that the Petitioner had earlier approached this Court in W.P.(C) 9632/2022, which was allowed by judgment dated 27th July, 2022. The controversy therein, however, arose in materially different circumstances. JNU had granted the Petitioner an NOC to participate in the selection process and had specifically indicated that, upon selection, she would be relieved in accordance with the applicable rules. After the Petitioner was selected by FSSAI, JNU nevertheless declined to relieve her, principally citing shortage of staff. This Court found that JNU had failed to demonstrate any change in circumstances between the grant of the NOC and its subsequent refusal to relieve the Petitioner, and accordingly directed that she be relieved to join FSSAI on deputation.

15. The present controversy arises at a different stage. JNU is not seeking to withdraw an NOC already granted for the period now in question. The Petitioner has availed the very deputation which formed the subject matter of the earlier proceedings for its full initial tenure of three years and has, in addition, been permitted to continue for a fourth year. What is now sought is JNU's concurrence for a further, fifth year of deputation. The judgment dated 27th July, 2022 cannot be construed as conferring upon the Petitioner a



continuing entitlement to successive extensions beyond the tenure sanctioned from time to time. Indeed, while the governing terms contemplated extension beyond three years, such extension was not automatic.

16. For the foregoing reasons, the Court finds no arbitrariness or unreasonableness in the impugned decision-making process warranting interference in exercise of jurisdiction under Article 226 of the Constitution of India.

17. Accordingly, the petition is dismissed, along with the pending application.

SANJEEV NARULA, J

AUGUST 20, 2026/nk