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

+ **W.P.(C) 1465/2016**

**RAJIV RANJAN**

..... Petitioner

Through: Mr. Prashant Sivarajan, Advocate for  
Mr. Ajit Kakkar, Advocate with petitioner in  
person.

versus

**UNION OF INDIA & ORS**

..... Respondents

Through: Ms. Amrita Prakash, Advocate with  
Wg.Cdr. A.K. Chauhan.

**CORAM:**

**HON'BLE MS. JUSTICE HIMA KOHLI**

**HON'BLE MR. JUSTICE SUNIL GAUR**

**ORDER**

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**30.05.2016**

1. This order is in continuation of a detailed order passed on 11.05.2016 on which date, the relevant facts of the case pertaining to the petitioner who has prayed for directions to the respondents/Indian Air Force, to grant him a No Objection Certificate and discharge him from service to enable him to join the State Bank of India (SBI) at a Group-A post, were encapsulated and it was deemed appropriate to direct the respondents to reconsider his application dated 03.11.2015, on merits and pass appropriate orders within two weeks under written intimation to him. It was particularly directed that

while passing the said order, the respondents shall take into consideration the fact position recorded in the order dated 11.05.2016.

2. Counsel for the respondents hands over a copy of the order dated 25.05.2016 passed by the respondents, whereunder the petitioner's request for grant of a No Objection Certificate on selection to the post of Probationary Officer in the SBI, has been rejected on the ground that it is not in the interest of service discipline. Copy of the order dated 25.05.2016 is handed over to the other side and taken on record.

3. We may note that on 11.5.2016, we had deliberately refrained from issuing a writ of mandamus to the respondents, directing them to grant a No Objection Certificate in favour of the petitioner in the expectation that they would on their own take into consideration the persuasive facts of the case noted in the order dated 11.05.2016, in particular, the fact that it is the last opportunity that is available to the petitioner for applying for a Group-A post, as he will be soon attaining the age of 33 years, which is the cut off date prescribed for an OBC candidate. We had also taken note of the petitioner's humble socio-economic background, the financial constraints faced by him and his family members and the manner in which he had made sincere efforts to complete his graduation with the sheer dint of his hard

work, while still in service in the hope and expectation of making a better life. The explanation offered by learned counsel for the petitioner for explaining failure on the part of the petitioner to seek prior permission from the respondents before applying to the SBI, which was to the effect that he was mentally stressed due to his mother's grave illness at the relevant point in time and he had taken remedial measures by applying to the respondents in November, 2015 for grant ex post facto permission, were also spelt out in the order dated 11.05.2016, but all of that has been to no avail.

4. Having regard to the facts and circumstances of the present case as noted in the order dated 11.5.2016 and taking into consideration the order dated 25.05.2016 passed by the respondents, a perusal whereof reveals that they have completely ignored the observations made by us in paras 9 and 10 of the order dated 11.05.2016, we deem it fit to allow the present petition and direct the respondents to issue a No Objection Certificate in favour of the petitioner within one week from today. The petitioner shall submit the said NOC to the respondent No.5/SBI immediately on receipt thereof and the SBI shall induct him to the post of a Probationary Officer in the next batch, which we understand shall be inducted at the end of this year. It is clarified that the petitioner shall not be entitled to claim the benefit of

seniority on the basis of the letter dated 04.11.2015, issued by the respondent No.5/SBI intimating him of his selection to the post of a Probationary Officer.

5. The petition is allowed and disposed of. No orders as to costs.

6. It is clarified that this order has been passed in the peculiar facts and circumstances of the present case and shall not be treated as a precedent in any other matter.

**HIMA KOHLI, J**

**SUNIL GAUR, J**

**MAY 30, 2016**

rkb/mk/ap