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

+ **W.P.(C) 7243/2019**

AANCHAL

..... Petitioner

Through: Mr. Sarvesh Bisaria & Mr. Prakash
Chandra Sharma, Advocates.

versus

HIGH COURT OF DELHI AT NEW DELHI

THROUGH REGISTRAR GENERAL & ANR Respondents

Through: Ms. Anu Bagai, Advocate for
respondent No.1.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MR. JUSTICE RAJNISH BHATNAGAR

ORDER

08.07.2019

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Issue notice. Learned counsel for the respondent No. 1 accepts notice.

The petitioner is aggrieved by the order dated 23.12.2015 issued by the respondents whereby the petitioner's request for issuance of No Objection Certificate (NOC) for obtaining the passport has been rejected. The petitioner also assails the order dated 09.02.2016 wherein her request for issuance of NOC has again been rejected on the ground that disciplinary proceedings has been initiated against the petitioner.

The submission of learned counsel for the petitioner is that the initiation of disciplinary proceedings is not a valid ground for refusal of NOC for issuance of passport. He has placed reliance on the orders dated

09.04.2019 passed by the Supreme Court in *Satish Chandra Verma Vs. Union of India and Ors.*, Civil Appeal No. 3802/2019, wherein Supreme Court held that the right to travel abroad is a fundamental right and merely because the disciplinary proceedings are pending, is no ground to interdict the said right. Learned counsel for the respondents, on instructions, states that the respondents shall grant NOC to the petitioner so that the petitioner could obtain the passport. However, in the light of the decision of the Supreme Court in *Satish Chandra Verma* (supra), the petitioner may be required to give an undertaking that two weeks before she travels, she shall give prior intimation to the respondents.

Learned counsel for the petitioner submits, on instructions, that the petitioner shall give prior intimation of at least two weeks and also provide the itinerary of her travel two weeks in advance before undertaking any such foreign travel.

We make it clear that any such foreign travel, if undertaken, shall not be a ground for the petitioner not to attend the enquiry proceedings on any date that may be fixed by the inquiry officer. Let NOC be issued to the petitioner within two weeks.

The petition stands disposed of in the aforesaid terms.

VIPIN SANGHI, J

RAJNISH BHATNAGAR, J

JULY 08, 2019/kd