

\$~1

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 7547/2019 & CM Appl.No. 31361/2019 (interim relief)**

ALAKH SHUKLA

..... Petitioner

Through

Mr. Abhijat with Mr. Arpit Singh,
Mr. Nikhil Arora and Mr. Shaashwat
Jindal, Advocates

Versus

UNION OF INDIA AND ANR.

..... Respondents

Through

Mr. Naginder Benipal, Sr.panel
counsel with Mr. Naveen Chaudhary,
Mr. Gaurav Sharma and Mr. Gagan
Kumar, Advocates for UOI

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE TALWANT SINGH

ORDER

%

05.11.2019

1. The Petitioner, who is presently an Assistant Commandant ('AC') in the Central Reserved Police Force ('CRPF'), applied for a No Objection Certificate (NOC) to join a lower post in the UP Civil Services. The said NOC was refused by the impugned letter dated 29th March, 2019.

2. Two reasons have been given for the refusal. One is that the Petitioner applied for the NOC two years after he wrote the exam for the said post in the UP Civil Services in which he qualified. The second reason is that the post for which he is seeking NOC is a post lower in status and in rank to that of the AC.

3. Mr. Abhijat, learned counsel for the Petitioner, has sought to place reliance on the decision of this Court in *Manoj Kumar v. Union of India 2019 SCCOnline Del 7781* in support of his plea that both the above shortcomings should be overlooked and the NOC should have been granted.

4. The Court, having examined the said decision, is of the view that it was rendered in an entirely different set of circumstances. That was not a case where there was a delay of more than two years and ten months in even seeking the first stage of NOC i.e. before applying for the post.

5. In the present case, the only explanation offered for such delay in seeking the NOC is the illness of the parents of the Petitioner. However, the Court finds that the said illness did not prevent the Petitioner from filling up the form on 11th February, 2016 and thereafter sitting for the exam. IN the circumstances, there was no excuse for the Petitioner to not seek the first stage NOC of the Respondents simultaneous with the making of such application.

6. As regards the second ground, the decision cited by the Petitioner question is in connection with lower pay of the post applied for and not a post which is lower in status and in rank as is the case here.

7. The petition is dismissed. The pending application is also disposed of.

S. MURALIDHAR, J.

TALWANT SINGH, J.

NOVEMBER 05, 2019/mw