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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 7204/2019 and CM APPL. 29965/2019 (interim direction)**
SUBHASH CHAND Petitioner

Through: Mr. Bhanu Gupta for Mr. Ankur
Chhibber, Advocate.

versus

UNION OF INDIA AND ORS. Respondent
Through: Mr. Gaurav Rohilla, Senior
Government Counsel with Mr. S.M.
Pal, JWO and Mr. R.K. Sharma, JWO
for R-1.

CORAM:
JUSTICE S.MURALIDHAR
JUSTICE TALWANT SINGH
ORDER
% **07.01.2020**

1. Learned counsel for the Respondent has brought to the attention of this Court the fact that during the pendency of the present petition questioning the refusal by the Respondents to grant to the Petitioner a No Objection Certificate ('NOC') for applying to the post of Assistant Professor (College Cadre) in the subject of Mathematics against Advertisement No.1/2019 dated 8th March, 2019 issued by the Higher Education Department, Government of Haryana, the Petitioner had also applied to the Respondent Nos. 1 to 3 on 19th September, 2019, seeking discharge from service. He has placed before the Court a copy of a speaking order dated 26th December, 2019 rejecting the said application of the Petitioner.

2. It will be open to the Petitioner to question the aforesaid order if he so chooses in accordance with law.

3. As far as the main prayer is concerned, the Court on 13th December, 2019, directed the impleadment of State of Haryana as Respondent No. 5 only to find out if any vacancies were still available, if this Court were to entertain the main relief. However, it is seen that no process fee has been filed for the service of notice upon the State of Haryana. It is not reasonable to expect that the State of Haryana would even now keep vacancies unfilled to accommodate the Petitioner.

4. In that view of the matter, the main prayer in the petition has been rendered infructuous. Leaving it open to the Petitioner to challenge the order dated 26th December 2019, a copy of which has been provided to his counsel today in the Court, the Court declines to interfere in the present petition.

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

S.MURALIDHAR, J.

TALWANT SINGH, J.

JANUARY 07, 2020

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