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

+ W.P.(C) 2603/2022

SURJEET KUMAR BHOGAL

..... Petitioner

Through Mr.Aayushman Aeron, Advocate.

versus

UNION OF INDIA & ORS.

..... Respondents

Through Mr.Praddep Kumar Sharma,
Advocate for UOI.

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Date of Decision: 10th February, 2022

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

HON'BLE MR. JUSTICE NAVIN CHAWLA

J U D G M E N T

MANMOHAN, J: (Oral)

1. The petition has been heard by way of video conferencing.
2. Present writ petition has been filed challenging the rejection of the Petitioner's candidature for the post of Sub-Inspector in Delhi Police, CAPFs and Assistant Sub-Inspector in CISF Examination 2019 [2019 Exam] at the stage of Document Verification as his date of discharge from the Indian Army was beyond the cut-off date as stipulated in the 2019 Examination guidelines.
3. Learned counsel for the Petitioner states that at the time of applying for the 2019 Exam under the Ex-serviceman quota, the Petitioner was



serving as a Sepoy in the Indian Army and was due to be discharged. He emphasises that the Terms of Engagement of a Sepoy are initially for a period of fifteen years.

4. He states that as per the examination guidelines, the candidate had to acquire the Ex-Serviceman status on or before 15th October 2020 to be eligible under the 2019 Exam.

5. He states that the Petitioner's original date of discharge was 13th January 2019, however, since he had taken an extension of two years, his effective discharge date from the Army was January 2021 and not 13th January 2019. He points out that vide discharge order dated 13th January 2019, the Petitioner was to be discharged on 31st January 2021. He contends that the Petitioner completed the initial term of engagement in January 2019 and was thus eligible for the status of an Ex-Serviceman.

6. He further states that the Respondent-Indian Army had issued a No Objection Certificate dated 02nd May 2020 to the Petitioner and, therefore, he was eligible to apply under the 2019 Examination guidelines.

7. However, this Court is of the opinion that as the Petitioner's employment was extended by two years, he attained the status of an Ex-Serviceman only on the date of his discharge i.e. 31st January, 2021.

8. The release of No Objection Certificate for civil employment on 02nd May, 2020 was to allow the Petitioner to take up employment immediately after the date of his discharge. In the event the Petitioner had to obtain the No Objection Certificate for civil employment post-retirement, then in that eventuality, he would not be able to take a new employment immediately on the date of his discharge.

9. Consequently, release of the No Objection Certificate in advance



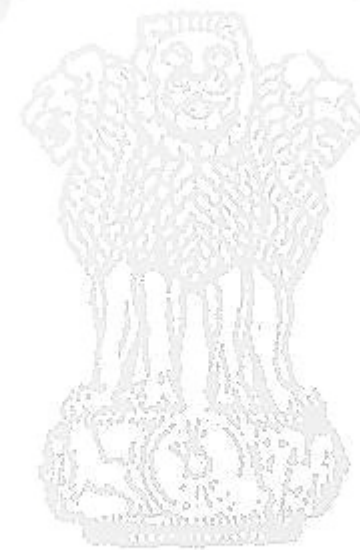
would not make the Petitioner eligible to apply against the Ex-Serviceman quota prior to the date of his actual discharge.

10. This Court also finds that a Coordinate Bench of this Court in *W.P.(C) No.520/2020* titled *Mukesh Kumar vs. Union of India & Ors.* dated *01st December, 2020* has taken a similar view. Consequently, the present writ petition, being bereft of merits, is dismissed.

MANMOHAN, J

NAVIN CHAWLA, J

FEBRUARY 10, 2022
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