



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

% *Date of decision: January 11, 2024*

+ W.P.(C) 4003/2021

(13) SUMAN KUMAR VERMA

..... Petitioner

Through: Mr. Ankur Chhibber, Mr. Anshuman Mehrotra, Mr. H.S. Tiwari, Mr. Nikunj Arora, Mr. Arjun Panwar, Mr. Amrit Koul, Ms. Samridhi Bhatti, Advs.

versus

UNION OF INDIA AND ORS

..... Respondents

Through: Mr. Harish Vaidyanathan Shankar, CGSC with Mr. Srish Kumar Mishra, Mr. Alexander Mathai Paikady and Mr. Krishnan V., Advs. for UOI Sqn. Ldr. M.N. Khan, MWO Ashok Janged, Sgt. Vikash Kumar and Sgt. Ashok Kumar.
Ms. Padmapriya and Mr. Rishabh Sancheti, Advs. for R4.

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

HON'BLE MR. JUSTICE SAURABH BANERJEE

V. KAMESWAR RAO, J. (ORAL)

1. This petition has been filed by the petitioner with the following prayers:

“In view of the above, it is therefore most respectfully prayed that this Hon’ble Court may be pleased to:



i. Issue a Writ of Certiorari for quashing and setting aside of Clause 6 of AFO No. 33/2017, being arbitrary, unreasonable and discriminatory to the extent it categorizes similarly situated personnel by two different yardsticks by discharging only those airmen who have been selected for a civil post advertised by Union Public Service Commission or State Public Commission and for quashing of the remark endorsed by the Section Officer and Air Officer Commanding in the application dated 04.02.2021 to the extent it mentions that the Petitioner does not fulfil the criteria by the petitioner as laid down by the AFO33/17; and

ii. Issue a Writ of Mandamus directing the Respondents to issue discharge from service to the Petitioner for joining to the post of Assistant Professor in the subject of History in the University of Jammu and also grant the same relief as granted vide judgment dated 11.03.2020 in W.P.(C) No. 634/2020 titled as Subhash Chand v Union of India, vide judgment dated 05.08.2020 in W.P.(C) no. 3311/2020 titled as Sonu v Union of India and Ors. and other catena of judgments passed by this Hon'ble Court.

iii. Pass any such orders as the Hon'ble Court may deem fit in the light of above mentioned facts and circumstances of the case.

2. The grievance of the petitioner is that the respondents are not releasing / giving, him the NOC to join the civil post of Assistant Professor (History) in the University of Jammu. Though the respondents, more specifically respondent Nos. 1, 2 and 3 have contested the case of the petitioner on various grounds but during the course of hearing, it transpires that the petitioner shall complete 20 years of service in the Indian Air Force on January 11, 2024, and shall stand discharged on January 31, 2024. In fact, we have been informed that, the discharge order has already been



issued. It is also agreed that the petitioner shall be discharged on January 31, 2024.

3. Mr. Ankur Chhibber, learned counsel appearing for the petitioner submits that, on his discharge from the respondent Air Force, petitioner shall join the position of Assistant Professor in the University of Jammu within a period one week thereafter.

4. Suffice to state, the counsel for respondent No.4 / University of Jammu submits that the appointment of the petitioner as Assistant Professor is still valid because of the stay order operating in this petition. It is made clear that, if the petitioner does not join the post within one week on discharge, the appointment shall stand cancelled, as we have been told by the counsel for the respondent No.4 that the position is vacant since 2021. Mr. Chhibber states that the aforesaid shall satisfy the grievance of the petitioner in the petition and the petition be disposed of. It is ordered accordingly.

CM APPL. 21780/2023

Dismissed as infructuous.

V. KAMESWAR RAO, J

SAURABH BANERJEE, J

JANUARY 11, 2024/jg