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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 1494/2022, CM APPL. 4271/2022, CM APPL. 10803/2022,
CM APPL. 15300/2023, CM APPL. 42203/2023

AFTAB ALAM

.....Petitioner

Through: Mr. Ankur Chhibber, Adv.

versus

UNION OF INDIA AND ORS.

.....Respondents

Through: Mr. Srish Kumar Mishra, Mr.
Alexander Mathai Paikaday and Mr.
Sagar Mehlawat, Advs. for UOI with
Sqn. M.N. Khan, Sgt. Vikash Kumar
and Sgt Mindu Prasad, IAF.
Mr. Anil Mittal and Mr. Atul
Chauhan, Advs. for R-5.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MS. JUSTICE SHALINDER KAUR

ORDER

27.08.2024

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1. By way of the present petition under Article 226 of the Constitution of India, the petitioner, who is serving in the Indian Air Force (IAF) as a Sergeant, has approached this Court seeking quashing of the order dated 17.12.2021 passed by the respondents, rejecting his prayer for permission to apply in response to the advertisement issued by the Uttar Pradesh Public Service Commission (UPPSC)/respondent no. 4 inviting applications for filling up vacancies in different services through the combined State/Upper Subordinate Services Examination, 2019. The petitioner also assails the decision of the respondents refusing to grant him No Objection Certificate (NOC) to join the post of Deputy Jailor in the respondent no.5 department for which he has been selected by the respondent no. 4.



2. At the very outset, learned counsel for respondent no. 5 submits that the post of Deputy Jailor for which the petitioner was selected has already been filled up in March 2023, therefore, even if the respondent nos. 1 to 3 were directed to issue a NOC in favour of the petitioner, he can still not be appointed for the post for which he was selected.

3. In the light of the aforesaid, even though the learned counsel for the petitioner vehemently contends that the principle of lis pendens should be made applicable to the respondent no. 5, we are of the view that no such directions can be issued as it is an admitted position that no interim orders restraining the respondent no. 5 from filling the said post during the pendency of the writ petition, were passed by this Court. The respondent no.5 can, therefore, not be faulted for filling up the said post. Further, any orders to appoint the petitioner would cause irreparable prejudice to the candidate, who has already been appointed as a Deputy Jailor against the vacancy for which the petitioner had been selected.

4. We are, therefore, of the view that at this stage when the very vacancy against which the petitioner was selected stands filled, no useful purpose would be served by examining the petitioner's challenge to the action of respondent nos. 1 to 3. The writ petition is accordingly dismissed, making it clear that this Court has not expressed any opinion on the merits of the petitioner's claim as raised in the petition.

REKHA PALLI, J

SHALINDER KAUR, J

AUGUST 27, 2024/ss