

30.01.2025

Item no.ML57
Court No. 23

Asraf, A.R.(Ct.)

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

WPA 26899 of 2024

**PRABHAT RANJAN
VS.
UNION OF INDIA & ORS.**

Mr. Ujjal Ray

Mr. Arpa Chakraborty

....for the Writ Petitioner

Mr. Gangaprasad Mukherjee

Mr. Manabendranath Bandyopadhyay

....for the Union of India

Affidavit of service filed by the petitioner in Court today is taken on record.

The petitioner is an ex-serviceman. The petitioner participated in the recruitment process initiated by the Railway Recruitment Board(for short, "RRB") by issuance of an employment notice dated 28th February, 2019 for filling up vacancies under Commercial cum Ticket Clerks. The last date of submission of the application form was 31st March, 2019 and the first stage of such selection process being the computer based test was scheduled to take place on 12th January, 2021. The petitioner participated in the selection process but before publication of the final result, the petitioner was successful in another recruitment process initiated by Railway Protection Force (in short,

“RPF”) for direct recruitment of Constable. The petitioner on being successful in such examination joined as a Constable in the RPF on 12th November, 2022. While the petitioner was serving the RPF, the final result for the selection process of Commercial cum Ticket Clerk was published. The petitioner is desirous in joining the job of Commercial cum Ticket Clerk.

The petitioner says that RRB has sought for the “No Objection Certificate”(in short, “NOC”) from the RPF. The petitioner by a letter dated 13th March, 2023 applied for the NOC but was refused the same by a letter dated 28th March, 2023. The main ground for refusal is that the petitioner did not take approval of the RPF authorities before participating in the recruitment process of RRB for appointment of Commercial cum Ticket Clerk.

From the records annexed to the writ petition it is apparent that the examination for Commercial cum Ticket Clerk took place prior to the petitioner joining the RPF and, as such, the question of obtaining departmental approval from RPF before appearing in the recruitment process of Commercial cum Ticket Clerk initiated by RRB cannot and does not arise. The order refusing the grant of NOC on this ground is palpably contrary to the records and absurd.

The order dated refusing the NOC issued by the RPF dated 28th March, 2023 is, therefore, set aside.

The RPF authorities are directed to consider the application for NOC afresh without harping upon the same ground and shall, if the law otherwise does not provide an embargo, grant NOC to the petitioner.

The entire exercise should be completed within a period of eight weeks from the date of communication of this order.

Nothing further remains to be adjudicated in the writ petition. The writ petition is, accordingly, **disposed of.**

Although the order is passed in the presence of the learned advocate representing the respondents but by way of abundant caution the petitioner shall serve a copy of this order upon the respondents.

The parties are directed to act upon the server copy of this order duly downloaded from the official website of this High Court without insisting upon production of a certified copy thereof.

(Arindam Mukherjee, J.)