



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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CWP-22143-2025

Date of Decision: 23.12.2025

SAPNA RANI

...Petitioner

Vs.

STATE OF PUNJAB AND ORS.

...Respondents

CORAM:- HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Ms. Alka Chatrath, Advocate with
Mr. Nikhil Singh, Advocate and
Ms. Dhamanpreet Kaur, Advocate
for the petitioner

Mr. Aman Dhir, Deputy Advocate General, Punjab

Ms. Gurmeet Kaur Gill, Sr. Panel Counsel
for respondents No.4 and 5-BSF

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner through instant petition under Article 226/227 of the Constitution of India is seeking setting aside of select list dated 28.05.2024 for the post of Constable to the extent her name is not included. She is further seeking direction to respondent-State to issue her appointment letter.

2. The petitioner pursuant to advertisement No.1 of 2024 dated 29.02.2024 applied for the post of Constable in Punjab Police. At the time of filing application, she was member of Border Security Force (for short 'BSF'). She filed undertaking dated 23.03.2024 to the effect that she had applied through proper channel and she had informed her intention to her parent department to apply for the post of Police

Constable. She undertook to submit NOC and declared that if she does not produce original NOC at the relevant time her candidature shall be liable to be cancelled. The respondent conducted written test on 22.07.2024. Scrutiny of documents took place on 07.03.2025. Final result was declared on 28.05.2025. The petitioner at the time of scrutiny of documents could not submit NOC from BSF. She applied for NOC to BSF on 07.03.2025. It was *post facto* approval to apply outside the Department. BSF has declined to issue NOC on two counts namely (i) there is no provision to grant *ex post facto* NOC; and (ii) petitioner has applied for the post carrying lower pay scale.

3. Learned counsel for the petitioner submits that the petitioner is posted with BSF as Constable. She applied for the post of Constable in Punjab Police against advertisement No.1 of 2024 dated 29.02.2024. She was selected, however, was not issued appointment letter because BSF authorities have refused to issue No Objection Certificate ('NOC'). There are many candidates who did not disclose their present status and have been issued appointment letters despite the fact that they were posted with Armed Forces. The petitioner honestly disclosed name of her present employer who has refused to issue NOC on the ground that post of Constable in Punjab Police is of lesser pay scale than post of Constable in BSF. The petitioner is not claiming pay protection and continuity of service. She is ready to pay dues, if any, of BSF. She cannot be deprived from her post of Constable. The BSF has issued instructions on 22.08.2024 providing that NOC would be issued if employee has applied for the higher or equivalent to post presently held by him. The petitioner

filed application in March' 2024, thus, instructions of August' 2024 are inapplicable. In the instructions dated 03.06.2020, there was no such restriction. There would no prejudice to State if petitioner is permitted to join without NOC.

4. Learned counsel for the respondent-BSF submits that petitioner is still member of BSF. She has not submitted resignation as contemplated by Rule 19 of Border Security Force Rules, 1969. She may file resignation which would be considered subject to deposit of cost of training/three months' salary as contemplated by Rule 19. She has not completed 10 years' service and has not been granted cadre clearance, thus, cost cannot be waived and she is bound to pay cost of training or three months' salary whichever is higher. She did not apply for NOC prior to filing application seeking job with Punjab Police. She filed application seeking *ex post facto* approval. There is no provision for granting *ex post facto* approval. She has applied for a post carrying lower pay scale than she is getting with BSF.

5. Learned State counsel pointed out that as per advertisement, the petitioner was bound to obtain NOC from parent department i.e. BSF. She filed undertaking at the time of filing application that she would furnish NOC at the time of scrutiny of documents. She failed to furnish NOC at the time of scrutiny of documents, thus, she was not included in the list of selected candidates.

6. Learned counsel for the petitioner on the previous hearings pointed out that there are few candidates who were permitted to join

without NOC from BSF. They even did not disclose in their application form that they are working with BSF still were selected by respondent.

7. Learned State counsel during the course of hearing submitted affidavit dated 22.12.2025 of Mr. Jatinder Singh, PPS, AIG Personnel-2 Punjab, disclosing that there were 7 candidates including petitioner who did not file NOC and their candidature was rejected. There were 3 more candidates who did not disclose factum of their previous employment and their candidature was cancelled the moment respondent came to know about their previous employment.

8. I have heard learned counsel for the parties and perused the record with their able assistance.

9. The petitioner applied pursuant to advertisement No.1 dated 29.02.2024 for the post of Constable in Punjab Police while serving in BSF. Terms and conditions applicable to already employed candidates were prescribed in the advertisement. Relevant portion of the same reads as under:-

“14. ONLINE APPLICATION PROCEDURE

There shall be an Application Form for the recruitment of constable in District and Armed Police Cadre of Punjab Police.

XXXX

XXXX

XXXX

xiii. Candidates already employed with the government applying for this recruitment, will be required to get a No Objection Certificate (NOC) from the Head of Department/Office concerned. If, however, the NOC is not available at the time of filling up of the Application Form, the candidate shall have to give

a declaration to the effect that she/he shall produce the same in original at the time of document scrutiny.”

10. From the conjoint reading of terms and conditions of the advertisement, it is evident that petitioner was required to obtain NOC from her parent department i.e. BSF. The petitioner furnished undertaking to submit the same at the time of scrutiny of documents. Declaration furnished by her reads as:-

*“DECLARATION BY THE SERVING GOVERNMENT
EMPLOYEE REGARDING NO OBJECTION
CERTIFICATE (NOC)*

- 1. I SAPNA RANI hereby declare that I am currently serving in the Department of BSF in the State of PUNJAB or under the Central Government on the post of CONSTABLE since date 01/04/21 in the pay scale of 21700/- (7th)*
- 2. I have informed my department, through proper channel, of my intention to apply for the post of Police Constable in District and Armed Cadre of Punjab Police 2024.*
- 3. Till date I have not received the NOC from my department.*
- 4. I hereby undertake to provide the NOC in original to the Central Recruitment Board at the time of verification/scrutiny of documents.*
- 5. I am aware that in case I am not able to produce the original NOC, at the relevant time, my candidature shall be stand cancelled.”*

11. From the perusal of above quoted clauses of the advertisement, it is evident that it was indispensable to upload NOC with application form. The petitioner failed to upload said certificate. She

further failed to submit said certificate at the time of scrutiny of documents. She filed undertaking to the effect that she would submit NOC at the time of scrutiny of documents. She deposed that she had applied through proper channel whereas she applied without seeking prior approval of parent department. She further deposed that her candidature shall stand cancelled if she does not produce original NOC. She has failed to produce NOC. She is bound by her undertaking and cannot be permitted at this belated stage to take somersault.

12. The petitioner participated in the selection process without any demur or protest. By participating in the process, she acquiesced to the terms and conditions of the advertisement. As per principle of estoppel, she is prevented from doubting and disobeying one or other clause of the advertisement.

13. A two Judge Bench of Apex Court in ***Tajvir Singh Sodhi and Others v. State of Jammu and Kashmir and Others 2023 SCC OnLine SC 344*** has held that candidates, having taken part in the selection process without any demur or protest, cannot challenge the same after having been declared unsuccessful. The candidates cannot approbate and reprobate at the same time. A candidate cannot allege that selection process was unfair or there was some lacuna in the process just because selection process was not palatable to a candidate.

14. Terms and conditions of the advertisement are sacrosanct. The petitioner was bound by terms and conditions of the advertisement. She has not assailed any condition of the advertisement. The respondent

has rejected claim of many similarly situated candidates. She could apply after filing resignation. She applied with an undertaking that she would furnish NOC from BSF. If she is permitted to join without NOC, it would be contrary to terms and conditions of the advertisement as well as undertaking furnished by her. The Court cannot ask recruitment board to act contrary to terms and conditions of the advertisement.

15. In the wake of above discussion and findings, this Court is of the considered opinion that the instant petition deserves to be dismissed and accordingly dismissed.

16. Pending application(s), if any, also stands disposed of.

(JAGMOHAN BANSAL)
JUDGE

December 23, 2025
Deepak DPA

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No