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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 18028/2024 & CM APPL. 76661/2024

PRIYANKA DAS

.....Petitioner

Through: Mr. Karan Batura, Advocate.

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Mr. Sushil Raaja, SPC with Mr. Kapil Dev Yadav, GP for R-1. [M:-9212717171]
Mr. Sougat Mishra & Ms. Nitika Duhan, Advocates for R-2/IRCON.
Mr. Nitin Dahiya, Ms. Deepika Dahiya, Mr. Nitin Yadav & Mr. Sushant, Advocates for R-3/HUDCO.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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27.01.2025

1. By an order dated 10.01.2025, it was directed as follows:-

"1. The writ petitioner applied for appointment as a Manager-Projects in respondent No. 3-Housing and Urban Development Corporation Ltd. ["HUDCO"], pursuant to an advertisement dated 27.07.2024. She was called for an interview on 27.12.2024, but apprehended that she would face an impediment as her present employer - IRCON International Ltd.- respondent No. 2, had not issued a No Objection Certificate ["NOC"]/Work Experience Certificate permitting her to participate in the interview.

2. The reliefs sought in the petition are as follows:

"In view of the above-mentioned peculiar facts and circumstances mentioned herein above, the Petitioner



herein most respectfully prays that this Hon'ble Court may graciously be pleased to pass an order:

a) Issue a writ of mandamus, and/ or any other appropriate writ of the like nature directing the Respondent No. 3 to allow the Petitioner to attend the interview scheduled with the Respondent No. 3 (HUDCO) on 27.12.2024 at 01:00PM;

b) Issue a writ of mandamus, and/ or any other appropriate writ of the like nature directing the Respondent No. 2 to forthwith issue a No Objection Certificate along with Work Experience Certificate, in favour of the Petitioner to attend the interview scheduled with the Respondent No. 3 on 27.12.2024 at 01:00PM;

c) Pass such other orders as may be deemed fair and equitable in the facts of the case and in the interests of justice."

3. While issuing notice on 27.12.2024, the Court noted that the petitioner had already appeared in the interview, and prayer (a) had, thus, become infructuous. At that stage, it was noted that only prayer (b) survives.

4. However, Mr. Nitin Dahiya, learned counsel for HUDCO, today submits that the result of the selection process has been declared, and the petitioner was not selected for appointment to the post of Manager-Projects. He has been instructed that her candidature was considered on merits, and it is not on account of her failure to submit a NOC or Work Experience Certificate from respondent No. 2, that she was unsuccessful in the selection process. In these circumstances, it is contended that the writ petition has been rendered infructuous.

5. Although the matter was passed over to enable Mr. Karan Batura, learned counsel for the petitioner, to take instructions, I am informed on the second call that Mr. Batura is unable to appear due to a sudden family emergency.

6. List on 27.01.2025, in the category of "for Admission" matters.

7. In the meanwhile, respondent No. 3 is directed to file an affidavit by 14.01.2025, with regard to the selection process, and consideration of the petitioner's candidature on merits."

2. The respondent No. 3 has filed an affidavit dated 14.01.2025, pursuant to the aforesaid order. Relevant paragraphs of the said affidavit reads as follow:-

"8. However, after the selection process, the petitioner could not make it to the list of successful candidates plainly on professional



merits and the non submission of NOC was not a reason for the same.

9. Thus the present petition praying for allowing the petitioner to the interview process dehors NOC and to direct the Respondent No.2 to issue NOC for the said job is now rendered infructuous as the petitioner failed to make it to the list of successful candidates purely for lack of merits.”

3. In view of the above, the present writ petition has been rendered infructuous, and is therefore disposed of.

4. This order will not come in the way of the petitioner seeking similar directions, in the event, no objection certificate/work experience certificate is denied by respondent No. 2 in future.

5. The writ petition, alongwith the pending application, stands disposed of.

PRATEEK JALAN, J

JANUARY 27, 2025

‘pv/AD’/