

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11317 of 2026

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Anshika Singh D/O Mahendra Pratap Singh R/o Raj Nagar, Goithahan, P.S.
Sarnath, District Varanasi, State - Uttar Pradesh, 221007.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary of the Agriculture Department, Bihar, Patna.
2. The Hon'ble Chancellor of Universities Bihar.
3. The Vice Chancellor, Dr. Rajendra Prasad Central Agricultural University, PUSA, Samastipur, Bihar.
4. The Registrar, Dr. Rajendra Prasad Central Agriculture University, PUSA, Samastipur, Bihar.
5. The Deputy Registrar (Estt.), Dr. Rajendra Prasad Central Agriculture University, PUSA, Samastipur, Bihar.
6. The Director, Directorate of Research, Dr. Rajendra Prasad Central Agriculture University, PUSA, Samastipur, Bihar.
7. The Union of India through the Secretary, Department of the Ministry of Agriculture and Farmers Welfare, Room No.-115, Krishi Bhawan, Dr. Rajendra Prasad Road, Delhi- 110001, India.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar Ojha, Adv. Mr. Ved Prakash Chandan, Adv. Mr. Govind Lal Pandit, Adv.
For the State	:	Mr. Sarvesh Kr. Singh, AAG-13
For University	:	Mr. Vijay Shankar Upadhyay, Adv.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 28-07-2026

Heard the learned Advocate for the petitioner and the learned Advocate for the State as well as learned Advocate for the Rajendra Prasad Central Agriculture University.

2. The petitioner has Invoked the extraordinary jurisdiction of this Court seeking a direction upon the respondent University to consider her application requesting for issuance of ex-post facto permission as well as No Objection



Certificate (hereinafter referred to as, "NOC") for appearing in the interview, which is scheduled to be held on 03.08.2026 for the post of Flying Officer in the Indian Air Force.

3. Briefly stated that the petitioner was offered appointment letter for the post of Technical Assistant (T-3) and posted at Directorate of Research, RPCAU, Pusa with immediate effect under Office Order No. 195 dated 17.11.2025. In pursuant to that, the petitioner has submitted her joining on 18.11.2025. While serving on the aforesaid post, the petitioner has applied for the post of Flying Officer in the Indian Air Force and qualified in the written examination. On being declared successful, the petitioner was called upon to appear in the interview scheduled at 06:00 A:M on 03.08.2026.

4. In the aforesaid premise, the petitioner has submitted an application requesting for issuance of NOC on 29.05.2026. The application submitted before the Deputy Registrar (Establishment) RCCAU, PUSA was duly received in the office. The petitioner has categorically disclosed all the facts regarding her appearance in the examination for the post of Flying Officer and further being declared successful in the written examination and thus, she prayed for issuance of NOC, as was required by the Indian Air Force to be submitted before



the Interview Board. The aforesaid request of the petitioner, however, turned down vide order dated 30.05.2026.

5. Learned Advocate for the petitioner submitted that the rejection of the request of the petitioner for issuance of NOC to participate in the interview is wholly arbitrary and illegal as the petitioner cannot be held captive as a bonded labour. The act of the respondent University is violative of Article 16 of the Constitution of India.

6. Per contra, learned Advocate for the University submits that before filing an application for appointment on any post, outside the University, the petitioner ought to inform the present employer, but the same has not been done. Moreover, there is clear stipulation in the office Memorandum No. 170/51 dated 21.08.1952, that "The Government Servants' Application for posts (Central Services) Rules, 1943", provides that a Government servant, who is an applicant for appointment to a post under the Central Government shall not be eligible for it, unless he has applied with the permission of the Ministry/Head of Department, in which he may be serving.

7. Drawing the attention of this Court to the Service and Recruitment (Non-Teaching) Employees 2017 issued by the University, he further submits that Clause 4 (iv) of Rule 22



clearly stipulates that no application for outside employment shall ordinarily be forwarded during the period of probation in case of temporary employee of the University.

8. This Court has given anxious consideration to the rival submissions advanced on behalf of the parties and also perused Rules, 2017 as well as Office Memorandum, referred hereinabove. There is no dispute that grant of "NOC" is not a matter of right and it is to be issued in terms with the Service Conditions applicable to the concerned employees. However, the refusal to issue a NOC for career progression can be challenged as arbitrary, if it lacks some administrative grounds except like pending disciplinary actions, critical staff shortage or active service bonds.

9. The Right to Career Growth falls within the ambit of Right to Life and the Courts have affirmed that every individual holds a right to career advancement and personal mobility. An employer cannot trap an unwilling worker on account of unjustified reasons. An employee cannot be termed as a slave, he has right to abandon the service any time voluntarily by his resignation or alternatively not joining the duty.

10. Now coming to the case in hand, where the



request of the petitioner has been turned down, by the impugned order, on account of shortage of employees; there is no dispute that the employer has all along to see the interest of the institution as well as the public interest. Nonetheless, in the case at hand, it is not the case that the petitioner has got any role or caused any impediment to recruit the other employees against the vacant post, if the institute, on its own accord refuses not to appoint any other employees and as thus, resulted in shortage of the employees. The pitfall of the same cannot be placed on the shoulder of the petitioner so as to deprive her often opportunity of applying elsewhere and thus in the opinion of this Court by no stretch of imagination, the ground of mere being shortage of employee can be the reason for rejection of the request of the petitioner, terming into the public interest.

11. So far the office memorandum is concerned, once the University has come up with specific and separate Service and Recruitment Rules (Non Teaching) Employees, 2017, there is no confrontation that her service condition shall be governed with the terms of the above referred Rules.

12. On a plain reading of Clause 22 (iv) of the Rules, 2017, it is imperative that the said Clause does not completely prohibit to forward the application of an employee for outside



employment during the period of probation rather the request can be considered by the competent authority of the University at his discretion, after submission of the undertaking that he/she would resign the post in the event of his/her selection in other department. The aforesaid Clause also makes it clear that it is primarily meant for temporary employee, who is in probationary period. However, in the case at hand, the petitioner was appointed on regular basis against the post of Technical Assistant.

13. In view of the aforesaid facts, this Court finds that the action of the respondents in rejecting the request of the petitioner for grant of NOC would cast a complete embargo upon the petitioner to get an employment outside the present University, which in the opinion of this Court, could not withstand the test of Articles 14 and 16 of the Constitution of India.

14. Accordingly, this Court set aside the order passed by respondent no. 5, as contained in Letter No. 170 dated 30.05.2026, whereby the petitioner's prayer for forwarding the letter for outside employment is rejected.

15. Respondent no. 4, the Registrar, Dr. Rajendra Prasad Central Agriculture University, PUSA, Samastipur, is



directed to issue NOC on the undertaking of the petitioner that she would resign the post in the event of her selection in the Indian Air Force by 31.07.2026 so that she may appear in the interview, which is scheduled to be held on 03.08.2026.

16. With the aforesaid observations and directions, the present writ petition is allowed.

(Harish Kumar, J)

sumit/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	29.07.2026.
Transmission Date	NA

