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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 2706/2026

MANISH KUMAR GUPTA

.....Petitioner

Through: Mr. Saurabh A. Pandey, Adv.

versus

DIRECTOR GENERAL COAST GUARD AND ORS

.....Respondents

Through: Mr. Nirvikar Verma, SPC for
UOI.

CORAM:

HON'BLE MR. JUSTICE ANIL KSHETARPAL

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

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07.04.2026

1. The present petition has been filed under Article 226 of the Constitution of India, 1950, assailing the communication dated 31.12.2025, *vide* which the Petitioner's General Request dated 03.06.2025 seeking release/discharge/resignation from the service of Navik (DB) in Indian Coast Guard came to be rejected.
2. The Petitioner, who was enrolled as a Navik (DB) on 30.07.2022, upon completion of his training, submitted multiple representations during the period 2023-2024 seeking resignation from service, followed by a subsequent application dated 03.06.2025 in that regard. However, the request so made by the Petitioner, upon consideration by the Authorities on multiple occasions, came to be ultimately rejected.
3. Learned counsel representing the Petitioner submits that the discharge of the Petitioner can be considered on compassionate ground, on account of absence of any male member in his family and



the fact that he has developed sea sickness.

4. Learned counsel representing the Respondents, on the other hand, relied upon Section 9 of the Coast Guard Act, 1978 read with Rules 27 and 27A of the Coast Guard (General) Rules, 1986. Reliance has also been placed on the judgment of the Supreme Court in **Union of India & Ors. Vs. R.P. Yadav (2000) 5 SCC 325**. The relevant paragraphs of the said judgment are reproduced hereunder:-

“24. An incidental question that arises is whether the claim made by the respondents to be released from the force as of right is in keeping with the requirements of strict discipline of the naval service. In our considered view the answer to the question has to be in the negative. To vest a right in a member of the Naval Force to walk out from the service at any point of time according to his sweet will is a concept abhorrent to the high standard of discipline expected of members of defence services. The consequence in accepting such contention raised on behalf of the respondents will lead to disastrous results touching upon the security of the nation. It has to be borne in mind that members of the defence services including the Navy have the proud privilege of being entrusted with the task of security of the nation. It is a privilege which comes the way of only selected persons who have succeeded in entering the service and have maintained high standards of efficiency. It is also clear from the provisions in the Regulations like Regulations 217 and 218 that persons who in the opinion of the prescribed authority, are not found permanently fit for any form of naval service may be terminated and discharged from the service. The position is clear that a sailor is entitled to seek discharge from service at the end of the period for which he has been engaged and even this right is subject to the exceptions provided in the Regulations. Such provisions, in our considered view, rule out the concept of any right in a sailor to claim as of right release during subsistence of period of engagement or re-engagement as the case may be. Such a measure is required in the larger interest of the country. A sailor during the 15 or 20 years of initial engagement which includes the period of training attains a high-degree expertise and skill for which substantial amounts are spent from the exchequer.

25. Therefore, it is in the fitness of things that the strength of the Naval Force to be maintained is to be determined after careful planning and study. In a situation of emergency the country may ill-



afford losing trained sailors from the force. In such a situation if the sailors who have completed the period of initial engagement and have been granted re-engagement demand release from the force and the authorities have no discretion in the matter, then the efficiency and combat preparedness of the Naval Force may be adversely affected. Such a situation has to be avoided. The approach of the High Court that a sailor who has completed 15 years of service and thereby earned the right of pension can claim release as a matter of right and the authority concerned is bound to accept his request, does not commend itself to us. In our considered view, the High Court has erred in its approach to the case and the error has vitiated the judgment.”

5. It is well settled by the Supreme Court that a member of the Naval Force has no vested right to prematurely walk out from the service at any point in time according to his sweet will.
6. The Authorities have already examined and considered the request made by the Petitioner on multiple occasions.
7. In exercise of limited judicial review, this Court does not find it appropriate to issue directions to the Respondents for releasing/discharging the Petitioner from service in the Naval Service.
8. In view of the aforesaid position, the present Petition is dismissed.

ANIL KSHETARPAL, J.

AMIT MAHAJAN, J.

APRIL 07, 2026/sp/hr