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

+ W.P.(C) 3983/2023 and CM APPL. 15504/2023

RAMESH KUMAR

.....Petitioner

Through: Mr. Himanshu Gautam, Adv.

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Ms. Archana Sharma, SPC with
Mr. Amit Acharya, GP with
Ms. Tanishka Naithani, Deputy
Commandant.

CORAM:

HON'BLE MR. JUSTICE ANIL KSHETARPAL

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

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22.04.2026

1. Through the present Petition filed under Article 226 of the Constitution, the Petitioner seeks issuance of a writ in the nature of certiorari for quashing the order dated 13.03.2023 [hereinafter referred to as 'Impugned Order'] passed by the Respondents, whereby the representation made by the Petitioner seeking No Objection Certificate ('NOC') for job outside Indian Coast Guard came to be returned.

2. Shorn of unnecessary details, the facts leading to the filing of the present petition are that the Petitioner was serving as Navik (GD) in the Indian Coast since 2018. In the year 2019, pursuant to a Railway Recruitment Notification, the Petitioner applied for appointment in the Indian Railways without being granted an NOC by the competent authority. Subsequently, the Petitioner was declared successful in the said selection process, and with a view to join the



Indian Railways, he sought issuance of an NOC as well as acceptance of his technical resignation.

3. However, owing to the inaction of the Respondents, the Petitioner approached this Court by way of a writ petition, wherein, *vide* Order dated 01.03.2023, the Respondents were directed to consider and decide the request made by the Petitioner, thereby allowing him to participate in the document verification process. Pursuant thereto, the Petitioner was granted a provisional NOC, enabling him to join service with the Indian Railways, where he has been serving for the last three years.

4. Learned counsel representing the Petitioner submits that the Petitioner had duly applied for Technical Resignation, which should have been accepted by the Respondents.

5. *Per contra*, learned counsel representing the Respondents submits that the Petitioner, subsequently, opted for voluntary retirement, which was duly accepted by the competent authority.

6. At this stage, learned counsel representing the Petitioner submits that the Petitioner was constrained to seek voluntary retirement, owing to the failure of the Respondents to accept his Technical Resignation.

7. Having regard to the aforesaid facts and circumstances, and without going into the merits of the case, we deem it appropriate to allow the present petition, particularly on account of the admitted position that at the present stage the Petitioner has been serving in the Indian Railways for the last three years. Accordingly, the Impugned Order is hereby set aside.

8. The Respondents are directed to accept the Technical Resignation of the Petitioner. It is also clarified that the Provisional



NOC issued by the Respondents shall be treated as absolute.

9. The present Petition, along with the pending application, stands disposed of in the aforesaid terms.

ANIL KSHETARPAL, J.

AMIT MAHAJAN, J.

APRIL 22, 2026

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