



2026:DHC:2221



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 4541/2023**

Date of Decision: **11.03.2026****IN THE MATTER OF:**

ROHAN DEV

.....Petitioner

Through: Appearance not given.

versus

UNION OF INDIA & ANR.

.....Respondents

Through: Mr. Neeraj, SPC, Mr. Sahaj Garg,
Adv. for R-1.
Ms. Anjana Gosain, Adv. for DGCA.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV
JUDGEMENT

PURUSHAINDRA KUMAR KAURAV, J. (ORAL)

1. The petition is for the following reliefs:

- a. Issue a Writ in the nature of Mandamus and/or any other Writ, Order, Directions of similar nature to direct the Respondent No.2, to issue Commercial Pilot license (CPL) to the Petitioner herein in his DGCA File no. 1-1949/2010-L-2. and further*
- b. Any other relief/s which this Hon'ble Court may deem fit in the facts and circumstances of the case.*

2. The petitioner claims to have completed mandatory commercial pilot training at M/s Sai Flytech Aviation, Bilaspur, Chhattisgarh, from 02.12.2010 to 30.09.2011, completing 70 hours and 40 minutes of flying and at Saraswati Aviation Academy, Sultanpur, U.P., from 18.07.2013 to

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07.09.2019, completing 171 hours and 20 minutes of flying, thereby fulfilling the requirement of 200 hours to be eligible for a Commercial Pilot License (**CPL**).

3. It is the case of the petitioner that he has cleared all examinations conducted by the Directorate General of Civil Aviation (**DGCA**) in 2014 and 2015, which are mandatory for applying for a CPL. Thereafter, he submitted an application for issuance of CPL to the DGCA on 09.08.2019, along with the requisite documents. Subsequently, several representations were made. However, the application was allegedly not considered. The delay has been attributed to a pending vigilance/investigation concerning M/s Sai Flytech Aviation.

4. On 08.08.2023, this court directed the DGCA to examine the petitioner's case. Thereupon, on 23.08.2023, DGCA considered the petitioner's grievance and passed the following order:

"In this regard, it is intimated that in accordance with the directives issued by the Hon'ble High Court, if your disputed 70:40 hours of flying experience are disregarded, you will not be meeting the requirement of total flying experience of 200 hours in accordance with Para 1(e) of Section 'J' of Schedule II of the Aircraft Rules, 1937 read in conjunction with Para 8(e) of Section 'A' of Schedule II of the Aircraft Rules, 1937, for issue of CPL and thereby rendering you disqualified for issue of CPL against your application dated 09.08.2019.

As on date, several other requirements for issue of CPL i.e. knowledge papers, recency, medical, ELP etc. have lapsed. Therefore, by undertaking 28:40 hours of flying on date, you will meet the total flying experience element of the requirement only and all other requirements mentioned above would continue to remain lapsed.

Accordingly, you will have to submit a fresh application after meeting all the requirements CPL on the next date of submission. The detailed analysis of the requirements for issue of CPL expired and to be met on the next date of submission is enclosed as Appendix-A.



The issues with the approval of competent authority.”

5. The decision of the DGCA, thus, would indicate that if the disputed 70 hours 40 minutes of flying experience obtained from M/s Sai Flytech Aviation is excluded, the petitioner does not meet the minimum 200 flying hours requirement under the Aircraft Rules, 1937 for issuance of a CPL. DGCA further stated that several other requirements, such as knowledge papers, medical validity, recency, and english language proficiency, have also expired. Consequently, the DGCA advised the petitioner to file a fresh application if he meets the necessary requirements.

6. Learned counsel appearing for the petitioner has certain reservations in applying afresh and he submits that the eligibility of the petitioner should be considered as on the date of application, i.e. 09.08.2019. According to him, if the petitioner fulfils the criteria as on 09.08.2019, there is no reason as to why his application should not be favourably considered.

7. As per Schedule II, Section J, Para 1(e) of the Aircraft Rules, 1937, an applicant for a CPL must have not less than 200 hours of flight time as a pilot of an aeroplane within the prescribed period prior to the application, along with fulfilment of other mandatory requirements including valid knowledge examination papers, medical fitness, recency of flying, and English Language Proficiency, failing which the licence cannot be issued. Some of the permissions, which are required for obtaining CPL had admittedly expired as has been noted in paragraph no.2 of the order dated 13.01.2026, the same is extracted as under:

“2. A perusal of the aforesaid would indicate that the petitioner meets the requirements of total flying experience; however, all other requirements as mentioned therein have lapsed. The appendix shown to the Court reflects that the air regulation was valid up to 23.02.2020, air navigation



was valid up to 30.11.2019, aviation meteorology was valid up to 19.05.2020, technical general was valid up to 12.08.2019 and technical specific (C 172 type aircraft) was up to 15.11.2021. The remarks against each of the requirements clearly states that those permissions stood expired. The aforesaid table is extracted as under:

	Paper	Valid upto	Remarks
a)	<i>Air Regulation</i>	<i>23.02.2020</i>	<i>Expired</i>
b)	<i>Air Navigation</i>	<i>30.11.2019</i>	<i>Expired</i>
c)	<i>Aviation Meteorology</i>	<i>19.05.2020</i>	<i>Expired</i>
e)	<i>Technical General</i>	<i>12.08.2019</i>	<i>Expired</i>
f)	<i>Technical Specific (C 172 type aircraft)</i>	<i>15.11.2021</i>	<i>Expired</i>

8. The Court finds that the petitioner may have been eligible on 09.08.2019. However, we are now in 2026, and if, in between, the petitioner has become ineligible on account of lapse of permissions, this fact cannot be lost sight of, most importantly, owing to the nature of the job the petitioner will eventually discharge.

9. The petitioner's submission that the similarly situated candidates have been granted license is concerned, the same cannot be examined in the absence of there being entire record with respect to those applicants. As of now, it is not clearly discernible that the others have also fulfilled the requisite conditions, hence no comparison can be made at this stage.

10. The aforesaid aspect will have to be examined by the respondent-authority. In any case, in absence of valid permission, for air regulation, air navigation, aviation meteorology, technical general and technical specific. CPL cannot be granted.

11. The writ court under Article 226 of the Constitution of India cannot direct the DGCA to grant the license. The same would not be under the fitness of the things as it would contravene the mandate of Aircraft Rules



1937. The petitioner who seeks to obtain the CPL must fulfil all requirements of having valid permission as has been noted hereinabove.

12. It is well settled that the Court cannot issue directions contrary to the statutory rules and the writ of mandamus cannot be granted where the petitioner does not fulfil all the necessary eligibility criteria. On the date of issuance of the license, it remains undisputed that the petitioner has to have all valid permissions both at the time of submitting the application for the CPL and those required at the time of issuance. Filing an application does not create an indefeasible right in favour of the petitioner. Fulfilment of the eligibility criteria on the date of application may entitle the petitioner to apply for the license, however, on the date of consideration, the respondent-authorities are well within their power to examine whether the petitioner has all other necessary permissions.

13. In view of the aforesaid, there is no justification to direct the respondents to issue the CPL.

14. The petitioner shall be at liberty to apply afresh in accordance with extant rules. The respondents shall consider the same with due expedition.

15. Petition stands disposed of.

PURUSHAINDR KUMAR KAURAV, J

MARCH 11, 2026/P/ss