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

Date of decision: 07th September, 2026

CNR No. DLHC010406362021

+ **W.P.(C) 15095/2021 & CM APPL. 47592/2021**

RAJU KUMAR (905349-B)
S/O SHRI RAJA RAM SAHU
AGED 34 YEARS
RIO RAJENDRA NAGAR
PO. KOSHI COLLEGE
KHAGARIABIHAR-851205.

...PETITIONER

Through: Mr. Rakesh Kumar Singh, Mr.
Amrendra Kumar Singh, Ms.
Laxmipriya Nath, Mr. Sonu
Kumar, Advs.

Versus

1. UNION OF INDIA
THROUGH ITS SECRETARY,
MINISTRY OF DEFENCE
GOVERNMENT OF INDIA
SOUTH BLOCK
NEW DELHI-1 10011.

... RESPONDENT NO. 1

2. THE CHIEF OF AIR STAFF
AIR HQ, VAYU BHAWAN
DHQ PO, NEW DELHI.

... RESPONDENT NO. 2

3. AIR OFFICER COMMANDING
AIR FORCE RECORD OFFICE
SUBROTO PARK
NEW DELHI-110010.

... RESPONDENT NO. 3



4. THE SECRETARY
BIHAR PUBLIC SERVICE COMMISSION
15, JAWAHARLAL NEHRUMARG
BAILEY ROAD
PATNA, BIHAR-800001.
E-Mail-bpscpat-bih@nic.in

... RESPONDENT NO. 4

5. THE DIRECTOR
DEPTT. OF REVENUE & LAND REFORMS
GOVERNMENT OF BIHAR
OLD SECRETARIATE
BAILEY ROAD
PATNA, BIHAR-800015.
E-Mail-revenuebihar@gmail.com

... RESPONDENT NO.5

6. THE JOINT SECRETARY
DEPTT. OF REVENUE & LAND REFORMS
GOVERNMENT OF BIHAR
OLD SECRETARIATE
BAILEY ROAD
PATNA, BIHAR-800015.
E-Mail-revenuebihar@gmail.com

... RESPONDENT NO. 6

Through: Mr. Naveen Prakash, Mr. Ved Vyas Tripathi, Ms. Srishti Prakash and Mr. Vaibhav Verma, Advs. for R-4.
Mr Azmat H Amanullah, ASC with Ms. Ekta Kundu, Adv. for respondents no. 5 and 6.
Mr. Vivek Goyal CGSC, along with SGT CP Chandan for Respondents No. 1 to 3.



CORAM:

HON'BLE MR. JUSTICE NITIN WASUDEO SAMBRE

HON'BLE MR. JUSTICE AMIT SHARMA

JUDGMENT (ORAL)

NITIN WASUDEO SAMBRE, J.

1. We have heard the learned counsels appearing on behalf of the parties.

2. The prayer in the present writ petition reads thus:-

"i. Issue a Writ of Certiorari for quashing of the remarks endorsed by the Assistant Adjutant on 07.09.2021, on to the application dated 02.09.2021 submitted by the Petitioner which mentioned that 'the application of the Petitioner is not in order as per AFO 33/17 and thus not recommended' and of the signal dated 22.10.2021 and order dated 08.11.2021 whereby the Respondents have returned/rejected such application of the Petitioner and of the signal dated 22.12.2021 whereby the application dated 02.11.2021 preferred by the Petitioner seeking discharge from service has been rejected by the Respondents in a cryptic and arbitrary manner; and

ii. Issue a Writ of Mandamus directing the Respondents to issue NOC and discharge the Petitioner from the post of Sergeant so as to allow him to join the post for which he has been selected for i.e. Revenue Officer and also grant the same relief as has been granted by this Hon'ble Court in catena of judgments on the issue and affirmed by the Hon'ble Apex Court; and

iii Pass any such orders as the Hon'ble Court may deem fit in the light of above mentioned facts and circumstances of the case."

3. It is the case of the petitioner that there was a failure on the part of the respondents-Indian Air Force in issuing No Objection Certificate (hereinafter referred to as "NOC") so as to enable him to participate in the selection process conducted by the respondent no.4-Bihar Public Service Commission.

4. It is the case of the petitioner, in the absence of the NOC, he has



been denied the opportunity of being inducted into public employment, which is contrary to the constitutional mandate as provided under Articles 15 and 16 of the Constitution of India.

5. As against the above, the learned counsel appearing for respondents no.1 to 3 states that the petitioner stood superannuated on 30th September, 2025, and that an NOC was issued to the petitioner on 7th October, 2024, *i.e.*, almost a year prior to his superannuation, so as to enable him to enroll himself for opportunity of public employment.

6. It is further urged by the counsel for the respondents-Indian Air Force that the NOC was not granted to the petitioner on earlier occasions *i.e.*, on 07th September, 2021, *vide* signal dated 22nd October 2021, *vide* order dated 08th November, 2021 and *vide* signal dated 22nd December, 2021, having regard to the Policy of the respondents.

7. It is submitted by the counsel for the respondents-Indian Air Force that the NOC has subsequently been issued to the petitioner on 07th October, 2024.

8. The learned counsel appearing for the respondents-State of Bihar (respondent no. 4 to 6) states that *vide* the Departmental Order dated 06th January, 2023, the petitioner was informed that as per the Selection Rules, his candidature was cancelled. It is urged that such cancellation of candidature has not been challenged/assailed in the present petition and that being so, the petitioner cannot claim, at this stage, any right to employment with the respondents-State of Bihar, particularly, having regard to the limited claim put forth in the petition.

9. While countering the aforesaid, it is the case of the counsel for the petitioner that the respondents-State of Bihar, in their pleadings



have stated that as per the extant rules, a panel of officers recommended for appointment by the BPSC remains valid only for a period of one year, however, the respondent-BPSC has conducted themselves in a discriminatory manner by granting benefits to certain candidates who were selected in the same batch as that of the petitioner and were permitted to join even post the expiry of one year.

10. The aforesaid contention is disputed by the counsel for the respondents-State of Bihar.

11. Be that as it may, the present writ petition remains pending from the last, almost, 05 years. There is no interim order(s) operating in favour of the petitioner directing the respondents-State of Bihar to keep any seat vacant.

12. It is informed by the learned counsel appearing for the respondents-State of Bihar that against the selection process in which the petitioner participated, all the seats have been filled as per the Selection Rules. It is stated that subsequent thereto, further rounds of selection process have been conducted in subsequent years, and as such it is urged that the right of the petitioner *qua* the post-in-question stands extinguished.

13. It is also brought to our notice that the petitioner stood superannuated on 30th September, 2025 and he was issued the NOC on 07th October, 2024, *i.e.*, a year prior to his superannuation in view of the existing policy.

14. In our opinion, the conduct of the petitioner, having not assailed/questioned the decision dated 06th January, 2023 of the respondents-State of Bihar whereby the candidature of the petitioner was informed to be cancelled due to his failure to provide the NOC



within the stipulated time, prompts us to not exercise the extraordinary jurisdiction at this stage of the proceedings for the following reasons:

- (a) The decision taken by the respondents-State of Bihar *qua* the cancellation of the candidature of the petitioner has not been challenged.
 - (b) That the petitioner stood superannuated on 30th September, 2025.
 - (c) That the petitioner was granted a blanket NOC on 07th October, 2024 by the respondents-Indian Air Force Authority, so as to enable him to participate or opt for public employment.
15. In the aforesaid backdrop, even if the claim of the petitioner is taken for consideration at this stage, it is difficult to infer that the adjudication of the claim against the respondents- Indian Air Force, in the matter of failure of grant of NOC, can be entertained, particularly, when there exists no vacancy with the respondents-State of Bihar *qua* the claim put forth by the petitioner.
16. That being so, the present petition stands dismissed.
17. Pending application, also, stands disposed of.

**NITIN WASUDEO SAMBRE
(JUDGE)**

**AMIT SHARMA
(JUDGE)**

SEPTEMBER 7, 2026/sky/gs