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

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Date of Decision: 07.09.2026

CNR No. DLHC010419462026

+ **LPA 697/2026 & CM APPL. 60147/2026**

JITESH KUMAR SRIVASATAVA

.....Appellant

Through: Mr. Aman Shekhar and Mr. Anand
Kumar, Advocates.

versus

AIRPORT AUTHORITY OF INDIA & ANR.

.....Respondents

Through: Mr. Anshuman Gupta and Mr. Karan
Aggarwal, Advocates for R1/AAI.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE TEJAS KARIA

TEJAS KARIA, J. (Oral)

CM APPL. 60146/2026 (Exemption)

1. Exemption allowed, subject to all just exceptions.
2. The Application stands disposed of.

CM APPL. 60145/2026 (Condonation of delay)

3. This is an Application filed by the Appellant seeking condonation of delay of 32 days in filing the present Appeal.
4. Having heard learned Counsel for the Parties and perused the averments made in the Application, the same is allowed. The delay of 32 days in filing the present Appeal is hereby condoned.
5. Accordingly, the Application stands disposed of.

LPA 697/2026

6. The present Appeal has been preferred by the Appellant against the order dated 02.07.2026 ("**Impugned Order**") passed in W.P.(C) 8581/2026



(“**Writ Petition**”), whereby the Writ Petition instituted by the Appellant was dismissed for want of merit.

7. Respondent No. 1, Airports Authority of India (“**AAI**”) vide Advertisement dated 04.04.2025 (“**Advertisement**”) invited applications for recruitment to 309 posts of Junior Executive (Air Traffic Control) (“**JE-ATC**”). The Advertisement stipulated, *inter alia*, that candidates employed by the Central Government, a State Government, an autonomous body, or a public sector undertaking were required to produce a ‘No Objection Certificate’ (“**NOC**”) from their present employer at the stage of Application Verification, failing which their candidature would not be considered.

8. AAI issued the Appellant an e-admit card for the Computer Based Test scheduled for 14.07.2025 (“**Test**”). Thereafter, with effect from 20.08.2025, the Appellant was appointed as a Technician (Trainee) at Ghaziabad under Respondent No. 2, Divisional Railway Manager (“**DRM**”), North Central Railway, Prayagraj, and commenced training.

9. The Appellant appeared in the Test and while the result of the Test was awaited, vide application dated 10.12.2025, the Appellant requested Respondent No. 2 to issue an NOC in respect of the post of JE-ATC with AAI. By call letter dated 28.01.2026, AAI informed the Appellant that, on the basis of his performance in the Test, he had been provisionally shortlisted for Application Verification on 18.02.2026 (“**Application Verification**”) at AAI’s Corporate Headquarters.

10. At the time of Application Verification, the Appellant furnished an undertaking dated 18.02.2026 (“**Undertaking**”) that he would submit all requisite documents, including the NOC, within seven days from the date of



verification, failing which his candidature would be treated as cancelled. Pursuant thereto, the Appellant, *vide* application dated 23.02.2026, again requested Respondent No. 2 to issue the NOC, expressly stating that the examination for the post of JE-ATC had been conducted prior to his joining the DRM and that he had previously applied for the NOC on 10.12.2025.

11. As Respondent No. 2 did not issue the NOC, the Appellant addressed e-mails dated 24.02.2026 and 05.03.2026 to AAI's Recruitment Cell, apprising it of his inability to obtain the NOC within the stipulated period and seeking an extension of time for its submission. AAI, *vide* communication dated 06.04.2026 ("**Communication**"), cancelled the Appellant's candidature and declared him ineligible for appointment to the post of JE-ATC. On the same date, AAI also declared the final result in respect of the candidates provisionally selected for the post.

12. Aggrieved by the Communication, the Appellant challenged it before the High Court of Judicature at Allahabad, Lucknow Bench, by way of WRIT-A No. 4022/2026. The said writ petition was disposed of *vide* order dated 20.04.2026, with liberty to the Appellant to approach the High Court having territorial jurisdiction over the cause of action.

13. Thereafter, the Appellant, *vide* representation dated 08.06.2026, approached the Chairman and the Recruitment Cell of AAI, seeking recall of the Communication and reconsideration of his candidature. The Appellant subsequently instituted the Writ Petition before learned Single Judge of this Court, assailing the Communication. By the Impugned Order, learned Single Judge dismissed the Writ Petition and upheld AAI's decision rejecting the Appellant's candidature. Aggrieved thereby, the Appellant has preferred the present Appeal.



14. Learned Counsel for the Appellant submitted that learned Single Judge erred in upholding the cancellation of the Appellant's candidature solely on account of his failure to submit the NOC within seven days pursuant to the Undertaking, without appreciating that at the time of applying for the post of JE-ATC, the Appellant was not employed by the Central Government, a State Government, an autonomous body, or a public sector undertaking. It was contended that the Appellant had appeared in the Test before his appointment as Technician (Trainee) under the DRM took effect on 20.08.2025 and had, therefore, entered the recruitment process prior to joining the DRM. It was further submitted that, at the time of Application Verification, the Appellant was merely undergoing training with the DRM and had not yet received a regular appointment.

15. It was also contended by the Appellant that learned Single Judge failed to consider the Appellant's diligent efforts to procure the NOC, including his applications dated 10.12.2025, well before Application Verification, and 23.02.2026, within the seven-day period stipulated in the Undertaking. It was also submitted that the Appellant acted with due promptitude after furnishing the Undertaking and that, despite taking steps to obtain the NOC, the DRM did not issue the NOC and, accordingly, by e-mails dated 24.02.2026 and 05.03.2026, the Appellant informed AAI of his inability to obtain the NOC within the stipulated period and sought a reasonable extension of time, which, according to him, AAI failed to consider. It was contended that there was no deliberate delay on the Appellant's part and that learned Single Judge itself recorded that he had approached both the DRM and AAI for issuance of the NOC and extension of time.



16. *Per contra*, learned Counsel for AAI submitted that the requirement to produce an NOC from the current employer constituted an essential eligibility condition expressly stipulated in the Advertisement and was directly applicable to the Appellant, who was admittedly in the service of the DRM on 18.02.2026, the date of Application Verification. It was contended that the relevant date for compliance was the date of Application Verification, and not the date of the Test. Learned Counsel further submitted that, having voluntarily undertaken at the time of Application Verification to submit the NOC within seven days, the Appellant's failure to do so warranted cancellation of his candidature, and that he could not resile from the Undertaking merely because he had failed to comply with it.

17. Learned Counsel for AAI further submitted that a recruitment process concerning 309 posts could not be kept in abeyance pending issuance of an NOC by a department over which AAI exercised no control. It was also contended that the Appellant's efforts to procure the NOC, even if *bona fide*, neither diluted the binding effect of the Undertaking nor obliged AAI to grant an indefinite extension, particularly when the Appellant, despite being aware of the requirement since 10.12.2025, failed to obtain the NOC within the further period of seven days granted for that purpose.

18. We have heard learned Counsel for the Parties and perused the material placed on record.

19. At the outset, it is necessary to examine whether the cancellation of the Appellant's candidature is vitiated by illegality, arbitrariness, or perversity, having regard to: (i) the terms of the Advertisement requiring candidates already in service to produce an NOC from their current employer at the time of Application Verification; and (ii) the Undertaking



furnished by the Appellant to submit the NOC within seven days, failing which his candidature would stand cancelled.

20. The eligibility condition requiring production of an NOC from the current employer applied to candidates who were in service at the time of Application Verification, and not as on the date of the Test. The Appellant has admitted that he was in the service of the DRM on 18.02.2026, the date of Application Verification as he had already approached Respondent No. 2 for grant of NOC on that basis.

21. The circumstance that the Appellant appeared in the Test on 14.07.2025, prior to joining the DRM on 20.08.2025, does not advance his case, as the Advertisement required production of the NOC at the stage of Application Verification. Further, the Appellant's contention that he was merely undergoing training with the DRM and was not in employment cannot be accepted, as he himself treated the engagement as employment and sought an NOC in terms of the Advertisement.

22. Learned Single Judge rightly observed that, having afforded the Appellant adequate opportunity to furnish the requisite NOC, AAI could not be faulted for proceeding in accordance with the conditions governing the recruitment process. Whether DRM was justified in declining to issue the NOC was a distinct issue and was rightly not adjudicated by learned Single Judge in the writ proceedings.

23. The Undertaking was furnished by the Appellant voluntarily and with full knowledge of its terms and consequences. Having failed to comply with it by not submitting the NOC within seven days, the Appellant cannot now contend that enforcement of the consequence to which he had expressly agreed was arbitrary. Although the record indicates that the Appellant made



bona fide efforts to procure the NOC, both before and after Application Verification, and kept AAI apprised of the difficulties faced by him, such efforts and communications could not substitute actual compliance with the Undertaking.

24. Learned Single Judge rightly observed that recruitment to public posts is necessarily governed by the conditions stipulated in the advertisement and that the recruiting authority must apply those conditions uniformly to all candidates. A candidate who has admittedly failed to satisfy an essential requirement of the recruitment process cannot, as a matter of course, seek a direction requiring the recruiting authority to overlook such non-compliance. Learned Single Judge, accordingly, concluded that there was no infirmity in AAI's decision to reject the Appellant's candidature. Learned Single Judge also considered that, following declaration of the final results, the selected candidates had already joined service, and the training programme had commenced.

25. Accordingly, we find no infirmity in the Impugned Order and concur with the findings recorded therein. We are of the considered view that the Appellant has failed to establish any ground warranting interference with the Impugned Order dated 02.07.2026. The Appeal is, therefore, dismissed. The pending Application also stands disposed of. There shall be no order as to costs.

TEJAS KARIA, J

DEVENDRA KUMAR UPADHYAYA, CJ

SEPTEMBER 07, 2026

N/sms