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

+ W.P.(C) 17314/2025 & CM APPL. 71267/2025

VIJENDER

.....Petitioner

Through: Mr. Himanshu Gautam and Ms.
Niharika Punn, Advs.

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Mr. Sandeep Tyagi, SPC with
Ms. Neha Mishra, GP for R1-4
Mr. Ruchir Mishra, Mr. Mukesh Kumar
Tiwari, Ms. Reba Jena Mishra, Ms. Poonam
Shukla, Advs.

CORAM:

HON'BLE MR. JUSTICE C. HARI SHANKAR

HON'BLE MR. JUSTICE OM PRAKASH SHUKLA

JUDGMENT(ORAL)

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18.11.2025

C. HARI SHANKAR, J

1. Having heard learned Counsel for both the parties, we are disposing of this writ petition with their consent.
2. The petitioner joined the Indian Coast Guard¹ as a Navik (GD) on 20 August 2022.
3. On 4 March 2022, the Staff Selection Commission issued a notification inviting applications for recruitment for the post of Sub-

¹ "ICG" hereinafter



Inspector² in the Central Armed Police Forces³.

4. On 17 March 2024, the petitioner sought permission to apply for the post of SI in the Border Security Force⁴. There is no written response to the said letter till date.

5. On 22 August 2024, the petitioner was confirmed as Navik (GD) in the ICG, on completion of his period of two years' probation.

6. On 24 October 2025, the BSF issued an appointment order to the petitioner appointing him as SI. The petitioner received the said order on 3 November 2025.

7. Prior thereto, on 2 November 2025, the petitioner re-approached the ICG to allow him to resign from service so that he could join as SI in the BSF.

8. As the respondent did not grant him a No-objection Certificate⁵ for joining the BSF, the petitioner has instituted the present writ petition for direction to the respondents to grant him technical resignation and a NOC so as to enable him to join the BSF.

9. This matter had come up before us yesterday and we noted that two issues arose for consideration. The first was whether the

² "SI" hereinafter

³ "CAPFs" hereinafter

⁴ "BSF" hereinafter

⁵ "NOC" hereinafter



petitioner, in fact, required prior approval or NOC before joining as SI in the BSF, in response to the recruitment notification dated 4 March 2024. The second was whether the petitioner was required to have, to his credit, four years of service in the ICG before he was permitted to leave and join the BSF.

10. The first issue stands covered in favour of the petitioner by judgment of a Division Bench of this Court in *Sanapala Janardhana Rao v Union of India & Ors.*⁶, from which para 11 reads thus:

“11. We may notice that as on date petitioner has already put in five years of service. With regards to the seeking of prior approval, case of the petitioner is covered by the decision of the Co-ordinate Bench in *Corporal Sandeep Kumar Shukla*⁷ (supra). Securing an outside job would be certainly beneficial for his career progression and his service tenure would also be extended.”

11. Insofar as the second requirement is considered, though the policy that existed at the time of the petitioner applying for recruitment required him to have four years of service in the ICG, during the pendency of his application, the ICG Headquarters has issued fresh guidelines on 4 July 2024, in which the eligibility conditions for grant of NOC to an Officer of the ICG for joining an outside post are stipulated in Clause 2(b), which reads thus:

“2. Accordingly, with immediate effect the following guidelines are to be adopted for consideration of application for grant of NOC for job outside ICG or civilian posts within ICG:-

⁶ 2023 SCC OnLine Del 4837

⁷ *Corporal Sandeep Kumar Shukla v Union of India*, 193 (2012) DLT 144



(b) EP is not due for confirmation in the initial rank i.e. Navik/ Yantrik or in the Subordinate Officer rank i.e. Pradhan Yantrik/Adhikari view change in Group from C to Group B.”

12. In the case of the petitioner, he already stands confirmed as Navik (GD), consequent to the completion of his probation period on 22 August 2024. As such, the petitioner was also eligible for grant of NOC so that he could join the BSF.

13. It is the right of every officer to seek improvement in his service prospects. Ordinarily, the Government, as a model employer should promote such aspirations and efforts.

14. We, therefore, are of the opinion that no legally sustainable hurdle exists in the petitioner being permitted to technically resign from the services of the ICG so as to enable him to join as SI in the BSF.

15. Accordingly, we direct that the petitioner be permitted to technically resign from the services of ICG so as to enable him to join as SI in the BSF. Consequent thereto, if necessary, the ICG would also issue the requisite NOC in that regard.



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16. The writ petition is disposed of in the aforesaid terms.

C. HARI SHANKAR, J.

OM PRAKASH SHUKLA, J.

NOVEMBER 18, 2025/rjd