



2025:DHC:5865-DB



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

+ W.P.(C) 13931/2023 & CM APPL. 55016/2023

RAVINDER KUMARPetitioner

Through: Mr. Arvind Kumar Sharma, Sr.
Adv. with Ms. Aniteja Sharma, Adv.

versus

DIRECTORATE GENERAL BORDER SECURITY FORCE
& ANR.Respondents

Through: Ms. Aakanksha Kaul, Mr. Aman
Sahani and Ms. Ashima Chopra, Advs.

CORAM:

HON'BLE MR. JUSTICE C. HARI SHANKAR

HON'BLE MR. JUSTICE AJAY DIGPAUL

JUDGMENT (ORAL)

% **16.07.2025**

C. HARI SHANKAR, J.

1. Having undergone a selection process, the petitioner was, on 18 April 2022, offered appointment to the post of Sub- Inspector¹ in the Border Security Force². He underwent 42 weeks of basic training for the post before submitting, on 12 March 2023, the following application seeking to resign from the post:

“SI(DE) Trainee
RAVINDER KUMAR
Ch No.166
Regt No.223101700

TO

¹ SI

² BSF



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The Director,
COT Wing, BSF ACY,
Tekanpur, Gwalior.

Sub: AN APPLICATION REGARDING
RESIGNATION FROM MY POST SI(DE)

Respected Sir,

1. With due respect and humble I Regt No.223101700 & Chest No.166 SI(DE) Trainee Ravinder Kumar am submitting the following few lines for your kind consideration and favourable orders please.

2. Sir, I am undergoing training at BSF Acy COT Wing Tekanpur Gwalior (MP). I am an ex-serviceman (Army). I joined BSF on 17th July 2022 after availing 02 months of extension period.

3. Sir, I want to say that my family is facing issue as my father is not well and wife has to undergo a surgery. It is becoming hard to manage home and kid for her and take care of parents. My younger brother is also in Army and posted in Uttrakhand CI(OPS) area. I want to resign from the current training of SI(DE) and also like to draw your attention that I have a job in Haryana Police Constable in hand and it would be easy for me to manage things at home and take of my wife, children and parents. I humbly request you to please relieve me on 14 Mar 2023.

4. I am looking forward to your consideration for my request.

I shall be highly obliged to you.

Thanking you.

Sdxx 12/03/2023

Yours Sincerely

REGT NO. 223101700

RAVINDER KUMAR”

2. The request of the petitioner, as contained in the above letter of resignation dated 12 March 2023, for being relieved with effect from 14 March 2023, was accepted by the following Order dated 15 March 2023 issued on behalf of the Inspector General/Commander:



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**“OFFICE OF THE IG/COMMANDER, COT, BSF
ACADEMY TEKANPUR GWALIOR (MP)”**

No.5517/COT/SI (DE)-67/23/3072-75 Dated, the 15 Mar' 2023

// ORDER //

The IG/Joint Director, BSF Academy, Tekanpur is pleased to accept the resignation from the post of Sub Inspector (DE) in BSF, tendered by Regt No. 223101700 (Ch No.166) SI/DE (Trainee) Ravinder Kumar of SI(DE) Course Srl No. 67 w.e.f. 14th Mar' 2023 (AN) without any pensionary benefit.

2. An amount of Rs. **4,67,527/- (Rupees four lakh sixty seven thousand five hundred twenty seven)** only has been deposited in Govt Treasury by the above trainee at BSF Academy Tekanpur on account of training charges as per policy.

3. The trainee has been struck off strength of COT, BSF Academy Tekanpur w.e.f. **14/03/2023 (AN)**.

(Jai Karan)
2IC/Staff Officer
For IG/Comdr
COT, BSF Acy”

3. Nearly a month thereafter, on 10 April 2023, the petitioner addressed the following communication to the respondents:

“From: Ravinder Kumar (ESM)
SSC Roll No-2201039753
VPO-Meerpur, Dist&Teh-Rewari (HR)
Mob No-8168388636
Email ID-ravinderparihar1983@gamil.com
Dated: 10 Apr 2023

To

The Director General
FHQ BSF
10 CGO Complex, Lodhi Road
New Delhi-110003

The Director



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BSF Academy Takanpur
Gwalior (MP)-475005
The Inspector General (Pers)
FHQ BSF HQ.
10 CGO Complex, Lodhi Road
New Delhi-110003

**SUBJECT: REQUEST FOR REINSTATEMENT FOR
TRAINING INBSF FOR THE POST OF SUB INSPECTOR
(SSC ROLL NO-2201039753 RAVINDERKUMAR, SI/DE-67,
CHEST NO-166)**

Respected Sir,

1. With due respect and humble I SSC Roll No 2201039753 Ravinder Kumar am submitting the following few lines for your kind consideration and sympathetic action please.

2. That, I above named individual was selected as Sub Inspector in BSF through SSC CPO-2019 exam, I joined at BSF Academy Takanpur, Gwalior on 17th July 2022 and have completed 42nd weeks of training in BSF with enthusiasm and dedication. It is brought to your kind attention that I am an Ex-serviceman who have put 16 years of unblemished and diligent service in the Indian Army. My family is residing in VPO-Meerpur, Dist.- Rewari, State- Haryana. I have two children, elder daughter studying in 11th and younger son studying in 9th Class of Rashtriya Military School, Dholpur (Raj) respectively. My parents are residing with me, my father is an Ex-serviceman veteran of 70 years old who is a bed patient. My wife has to undergo surgery for goitres (photocopies of all relevant medical documents in respect of my father and my spouse are enclosed for your kind ready reference please).

3. Sir, on 05th Mar 2023 I have received joining letter in Haryana Police for the post of constable. I had to join the Haryana Police on 06th Mar 2023 which is more feasible to look after my family. Thereafter on 14th March 2023 I submitted resignation application from the BSF foreseeing re-employment at my home state Haryana. However, on the same day March 14 2023 itself stay order from The Hon. Punjab and Haryana High Court, Chandigarh was received resulting which my appointment in Haryana Police stand unconditional which will drag on for a long time and this recruitment has now taken a political form (photocopy of stay order is attached for your kind ready reference please). But knowingly and unknowingly, I put my entire family in more trouble. I have also put a question mark on the future of my children. Sir I being an ex-serviceman only get one time



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reservation quota entire and I availed it by joining in BSF. Thus, for job only once I have applied for BSF job and have no reservation quota/job further. I have not been able to forget this indelible impression of BSF life and for which I am regretting that decision.

4. My younger brother is also serving in Indian Army and presently deployed in a High-Altitude Area of Uttarakhand. Sir it is brought your kind view that I am in my 40th year of age and have completed the training of 42nd weeks with utmost dedication and sincerity. I request your kind ray of honour by granting permission me to complete the training with same course or the junior course i.e., SI/DE 68 as only your discretionary power. I assure you Sir that I will not leave BSF after re-joining in BSF even if I selected for Haryana Police later.

5. I request all of you in the name of The Almighty God to please keep in mind future of me and my entire family before taking any decision/order.

6. Sir I put faith and confidence in your prompt and favourable action in this regard as a savior to my entire family.

7. Thanking you Sir in anticipation and prayers to The Almighty God for your sound health and well-being.

yours Sincerely
Sd/-
(Ravinder Kumar)
SSC Roll No 2201e039753
SI/DE 67
Chest No-166”

4. On 16 May 2023, the petitioner wrote to the Respondents, seeking to know the status of his request dated 10 April 2023 for reinstatement in the BSF. This was followed by further requests. Ultimately, by Order dated 16 June 2023, the Joint Director in the BSF Academy rejected the petitioner’s application for withdrawing his resignation and reinstatement in the BSF, citing Rule 26 of the Central Civil Services (Pension) Rules, 1972³ , which allowed

³ “the CCS (Pension) Rules” hereinafter



withdrawal of resignation only if it was made as a result of a material change in the circumstances which originally compelled the Government servant to tender his resignation. The case of the petitioner did not fall within this category; ergo, his request was rejected.

5. On 11 July 2023, the Director, BSF Academy issued a Corrigendum to the aforesaid Order dated 16 June 2023, replacing the reference, in the said Order, of Rule 26 of the CCS (Pension) Rules with reference to Rule 14⁴ of the Central Civil Services (Implementation of National Pension System) Rules, 2021⁵, of which the relevant clause is Rule 14(3)(b).

6. On 30 June 2023, the petitioner appealed, against the aforesaid Order dated 16 June 2023 of the Joint Director, to the Director General⁶, BSF. It was also submitted, by the petitioner, that one Lokesh Tomar, who was similarly circumstanced, had been permitted to withdraw his resignation.

⁴ 14. **Resignation from Government service:**

- (3) The appointing authority may permit a person to withdraw his resignation in the public interest on the following conditions, namely:
- (a) the person concerned was not a temporary Government servant at the time of acceptance of his resignation;
 - (b) the resignation was tendered by the Government servant for some compelling reasons which did not involve any reflection on his integrity, efficiency, or conduct in the request for withdrawal of the resignation has been made as a result of a material change in the circumstances which originally compelled him to tender the resignation;
 - (c) during the period intervening between the date on which the resignation became effective on the date from which the request of a draw was made, the conduct of the person concerned was in no way improper;
 - (d) a period of absence from duty between the date on which the resignation became effective on the date of which the person is allowed to resume duty as a result of permission to withdraw the resignation is not more than 90 days;
 - (e) the post, which was vacated by the Government servant on the acceptance of his resignation or any other comparable post, is available.

⁵ "the 2021 Rules" hereinafter

⁶ "the DG" hereinafter



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7. By communication dated 20 September 2023, issued by the Deputy Inspector General⁷ on behalf of the competent authority, the petitioner was informed that the request was reconsidered by the DG, BSF, who did not find any occasion to intervene with the Order dated 16 June 2023.

8. Aggrieved thereby, the petitioner has filed the present writ petition before this Court, praying for issuance of a writ of certiorari, quashing and setting aside the aforesaid communication dated 20 September 2023 of the DIG and a writ of mandamus, directing the respondents to accept the request of the petitioner, in his letter dated 10 April 2023, for withdrawal of his earlier letter of resignation.

9. Pleadings in the writ petition have been completed. Written submissions have been filed by both sides. We have heard Mr. Arvind Kumar Sharma, learned Senior Counsel for the petitioner and Ms. Akanksha Kaul, learned Counsel for the Respondents.

10. The submissions are brief. Mr. Sharma contends that the order dated 14 March 2023 of the High Court of Punjab and Haryana constituted a material change in circumstances as would entitle him to withdraw his resignation. Ms. Kaul submits, *per contra*, that there is no infirmity in the decision of the respondent denying the request of the petitioner.

Analysis

⁷ “DIG” hereinafter



11. A preliminary observation

We are constrained to note, with some consternation, that the petitioner has not, with his writ petition, annexed either his letter of resignation dated 12 March 2023, or the Order dated 15 March 2023, whereby the resignation was accepted with effect from 14 March 2023, as sought by the petitioner. This would itself indicate absence of the requisite degree of forthrightness and transparency, which has necessarily to be maintained by any litigant who approaches a writ court for remedy. Article 226 of the Constitution of India is discretionary, and not a fundamental right, and equity is an integral part of the jurisdiction vested in the High Court by the said Article. Any petitioner who selectively files documents with his writ petition *ipso facto* disentitles himself to remedy thereunder.

12. On merits

12.1 The petitioner had, in his letter dated 12 March 2023, whereby he sought to resign from the services of the BSF, specifically requested that he be relieved on 14 March 2023. He was relieved on 15 March 2023. The petitioner cannot, now, seek to resile from his own request, contained in the letter of resignation dated 12 March 2023, and turn the clock back. With the acceptance of his resignation on 15 March 2023, which was in terms of the petitioner's own request, his lien with the BSF came to an end.

12.2 Despite this, even if one were to consider the entitlement of the



petitioner to the benefit of Rule 14(3) of the 2021 Rules, the petitioner does not qualify for being allowed to withdraw his resignation, thereunder. Clearly, clauses (a) to (e) of Rule 14(3) have to be cumulatively satisfied, in order to entitle a person who has resigned from service, to seek to withdraw his resignation. Even if these conditions are satisfied, the Rule, by its use of the word “may”, clearly vests discretion with the respondent to permit, or not to permit, withdrawal of the resignation. The primordial consideration which prevails is that of public interest.

12.3 Of the five clauses (a) to (e) in Rule 14(3), the petitioner, in our view, does not fulfil clause (b). Clause (b) permits withdrawal of the resignation if there is a “material change in the circumstances which originally compelled” the Government servant to tender his resignation. Mr. Sharma seeks to contend that, with the stay, placed by the High Court of Punjab and Haryana on the recruitments to the Haryana Police, the fate of the petitioner’s selection has become indeterminate, which constitutes a material change in circumstances, entitling him to withdraw his resignation.

12.4 In order to assess the applicability of Rule 14(3)(b), the Court is required to first examine the “compelling reason” which persuaded the petitioner to tender his resignation. When one reads the letter of resignation dated 12 March 2023, the “compelling reason”, cited in the said letter is not the alternate job which had become available to the petitioner in the Haryana Police, but the illness of his father and the surgery that his wife had to undergo.



12.5 If this were not so, the resignation cannot, in the first place, be even regarded as having been entered owing to any compelling reason. The mere availability of an alternate employment, which appeared greener at the time, cannot be regarded as a “compelling reason”. A compelling reason has to be a reason which *compelled* the petitioner to resign from the services of the BSF. “Compel”, etymologically, implies *compulsion*, and is defined, in the Oxford Dictionary, to “force (or oblige) someone to do something”. The decision to quit the BSF to join the Haryana Police was a career choice which the petitioner voluntarily made, not a reason which compelled him to resign. That career choice having gone south owing to the interim order passed by the High Court of Punjab and Haryana, it cannot be said that there was a “material change” in the circumstances which originally compelled him to tender his resignation.

13. The only change in circumstance which took place between the tendering, by the petitioner, of his resignation on 12 March 2023, and his seeking to withdraw the resignation on 10 April 2023, was the interim order passed by the High Court of Punjab and Haryana. We cannot regard this as a material change in the circumstances which compelled the petitioner to tender his resignation. At the highest, it was merely a career choice, consciously made by the petitioner, which is now in a state of uncertainty. We, therefore, are not inclined to allow the petitioner, on this ground, to turn back time and restore the *status quo ante* as it stood prior to 12 March 2023.

Conclusion



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14. There is, therefore, no merit in the petition which is accordingly dismissed with no order as to costs.

C. HARI SHANKAR, J.

AJAY DIGPAUL, J.

JULY 16, 2025

dsn/AR