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

+ W.P.(C)NO.13954/2009

ANAND SINGH & ORS Petitioners
Through : Ms. Rekha Palli, Adv.

versus

UNION OF INDIA & ORS Respondents
Through : Mr. R.M. Tiwari and Mr. Ankur
Chhibber, Adv.

CORAM:
HON'BLE MS. JUSTICE GITA MITTAL
HON'BLE MR. JUSTICE J.R. MIDHA

ORDER
06.12.2010

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1. The writ petitioner challenges the refusal of the respondents to permit him to proceed for the W&T (PP) course or the SUOC course on the ground of his being overage which would disentitle him for promotion to the post of sub-inspector.

2. Learned counsel for the respondents has also handed over copy of the communication dated 15th September, 2010 which has been issued during the pendency of this writ petition whereby the decision has been taken to waive of the age limit of 47 years prescribed for undergoing the W&T (PP) course or SUOC course which was detailed in So-06/1999 r/w DIG Trg. Dte. Signal No.C.IX.152/98-TRg 7 dated 8th February, 1999.

3. Learned counsel for the respondents has handed over a copy

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Signature Not Verified

Digitally Signed By: AMULYA
Certify that the digital file and
physical file have been compared and
the digital data is as per the physical
file and no page is missing.

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of an order issued on 8th October, 2010 passed by this court in WP (C) No.13641/2009 entitled Ram Kanwar Vs. The Commandant & Ors. It is submitted on behalf of the respondents that the petitioner is entitled to a similar treatment as has been directed by this court which is based on the respondents' communication dated 15th of September, 2010 in the said order. The petitioner places reliance also on the order dated 9th November, 2010 passed in W.P.(C) No. 4112/2010 Deshraj vs. UOI & Ors. which is to the same effect.

4. So far as willingness and eligibility for undertaking the said course is concerned, our attention has been drawn to the communication dated 13th March, 2008 (page 41), 23rd March, 2009 (page 43) and a communication dated 27th April, 2009 stating that the petitioner's willingness and eligibility for undertaking the course

The petitioner's request for age relaxation was recommended by the DIG, Central (MT/ORD) vide a communication dated 2nd April, 2009. It, therefore, is evident that the only reason or not permitting the petitioner to proceed on the said course was that the age relaxation had been denied. The decision has now been reversed by the respondents themselves and undoubtedly the petitioner would be entitled to the same benefit as was granted to Ram Kanwar and Deshraj (supra).

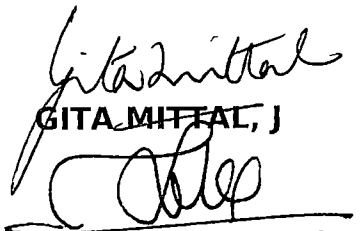
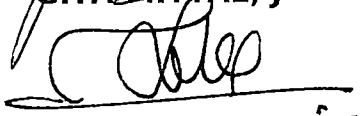
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In view of the above, we direct as follows :-

- (i) The respondents shall permit the petitioner to proceed for the next W&T (PP) or any other course without imposition of the age bar which would render him eligible for the promotion. In case the petitioner is otherwise found eligible and entitled to pursue the course, he shall be detailed for the same. The orders in this regard shall be passed within a period of four weeks from today and be communicated to the petitioner.
- (ii) Upon completion of the course, the petitioner shall be entitled to the promotion with all consequential reliefs. Appropriate orders in this behalf shall be passed expeditiously and without any delay.

This writ petition is allowed in the above terms.

Dasti to parties.


GITA MITTAL, J

J.R. MIDHA, J

DECEMBER 06, 2010

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