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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ **W.P.(C) 7458/2016**

**RAKESH SHARMA** ..... Petitioner  
Through: Mr.Lovkesh Sawhney &  
Mr.D.K.Pandey, Advs.

versus

**UNION OF INDIA & ORS** ..... Respondents  
Through: Mr.R.V.Sinha, Mr.A.S.Singh, Advs.

**CORAM:**

**HON'BLE MS. JUSTICE INDIRA BANERJEE**  
**HON'BLE MR. JUSTICE V. KAMESWAR RAO**

**ORDER**

% **24.08.2016**  
**CM 30656/2016**

Exemption allowed, subject to all just exceptions.

Application is disposed of.

**CM 30657/2016(u/S 151 CPC for condonation of 90 days delay in re-filing)**

For the reasons stated in the application, delay of 90 days in re-filing the petition is condoned.

Application is disposed of.

**WP(C) 7458/2016**

1. In this writ petition, the writ petitioner has *inter alia* sought a writ of

certiorari for setting aside an order dated 8<sup>th</sup> October, 2015 whereby the writ petitioner has been disqualified in the physical efficiency test for appointment to the post of Sub-Inspector in ITBP.

2. An earlier writ petition had been moved challenging the disqualification of the petitioner in the physical efficiency test. Pursuant to an order of this Court in the earlier writ petition, a re-test was held. The petitioner was again disqualified.

3. Mr. Sawhney, learned counsel appearing on behalf of the petitioner submits that the test was on both the occasions held in a square field twice and not a circular field. However, there is no specific averment of the existence of any rule, regulation or even guideline which requires the physical efficiency test of running to be held in a circular field. Nor has the petitioner adverted to any such rule or regulation.

4. Furthermore, as observed above, this is the second round of litigation. In the earlier writ petition, this objection of the field not being oval / circular was not pressed or alternatively if pressed, not accepted by the Court. The Court merely directed that a further opportunity be given to the petitioner by holding another physical efficiency test for him. There was no direction that

The physical efficiency test be held in a circular field.

5. It is well settled that this Court in exercise of its extraordinary jurisdiction conferred under Article 226 of the Constitution of India cannot adjudicate the question of physical suitability of candidates for appointment to the police force or for that matter, to any other service. In the absence of any specific and substantial infirmity in the procedure adopted by the respondent/authorities, the writ court cannot interfere. In the instant case, we find no ground of interference. The writ petition is, therefore, not entertained and the same is dismissed.

**INDIRA BANERJEE, J**

**V. KAMESWAR RAO, J**

**AUGUST 24, 2016**  
**RN**