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

+ W.P.(C) 4170/2015

ASHOK KUMAR YADAV

..... Petitioner

Through: Mr. Manish Tiwari & Mr. Rohit
Pandey, Advocates.

versus

UNION OF INDIA AND ORS.

..... Respondents

Through: Mr. Kamal Kant Jha, Senior Panel
Counsel along with Ms. Lalita Kohli,
Advocate & Mr. Brajesh Kumar, G.P.
for UOI.
Ms. Lalita Kohli, Advocate for
respondent No. 2.

CORAM:

HON'BLE MS. JUSTICE INDIRA BANERJEE

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

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04.11.2016

1. This writ petition is directed against the refusal of the respondent authorities to permit the petitioner to appear for the interview pursuant to the common selection test for the post of Sub Inspector in Delhi Police and Central Armed Police Forces (CAPF) and also Assistant Sub Inspector in Central Industrial Security Force (CISF). The selection examination was held in 2014.

2. The petitioner was apparently not allowed to appear for the interview on the ground that he did not have the requisite qualification at the material point of time i.e. 01.01.2014. In terms of the advertisement/employment notice, candidates were required to be graduates as on 01.01.2014.
3. The petitioner apparently appeared for the B.A. examination of the University of Rajasthan in the year 2013. He was shown as failed in English Literature.
4. Being aggrieved, the petitioner applied for re-evaluation of the answer scripts in accordance with the rules of the University of Rajasthan. Pursuant to such re-evaluation, the petitioner's marks were enhanced and the petitioner was shown as passed. The re-evaluation results were communicated on 25.01.2014.
5. This is not a case where the petitioner failed to clear some paper of the Bachelor of Art Examination and appeared for a compartmental or supplementary examination, the result of which was declared after 1st January, 2014. Upon re-evaluation, the earlier marks awarded to the petitioner were obviously found to be incorrect and accordingly, the marks awarded to the petitioner were enhanced and the petitioner was declared as

passed. On behalf of the University Authorities it is stated that the entire batch of 2013 including the petitioner was declared passed. The petitioner thus had the requisite qualification on 01.01.2014 inasmuch as he was declared graduate of the 2013 batch. The petitioner could not have been denied permission to appear for the interview which as per the records to place in 2015 long after the petitioner was declared passed in the examination of 2013. It is reiterated that the re-evaluation results had been published on 25.01.2014 almost a year before the interview had taken place.

6. The writ petition is, therefore, allowed. The respondents are directed to conduct a separate interview for the petitioner. Needless to mention that in the event, the petitioner succeeds, the petitioner shall duly be treated as successful candidate in the Common Selection Examination of 2014. Needless to mention that the interview of the petitioner shall be conducted with the utmost expedition preferably within four weeks from the date of communication of this order.

Dasti.

INDIRA BANERJEE, J

V. KAMESWAR RAO, J

NOVEMBER 04, 2016/rs

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