

\$~10

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

+ W.P.(C) 5194/2016 & CMs No.21611-12/2016

YASHVIR SINGH

..... Petitioner

Through : Mr. Vivek Sharma with
Mr. Mukesh K. Verma, Advocates

versus

UNION OF INDIA AND ORS

..... Respondents

Through : Mr. Anurag Ahluwalia, Advocate
for R-1 to 4.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
31.05.2016

%

1. The present petition has been filed by the petitioner, who had applied to the respondent/CISF in the year 2013, for the post of a Constable (Driver), praying *inter alia* that the orders/reports dated 10.12.2013 and 20.3.2014 declaring him medically unfit, be quashed and set aside and he be appointed to the said post. The petitioner also seeks to lay a challenge to the Uniform Guidelines for Medical Examination Test for combined recruitment of Constables/GD in CAPFs & ARs in CISF, and prays that the same be declared as *ultra vires* of the Act.

2. In the first instance, learned counsel for the petitioner has been requested to address the Court on the maintainability of the present petition, which is apparently barred by delay and laches. The explanation sought to

be offered for the delay is that the petitioner had filed a writ petition in the year 2014 (WP(C)No.3721/2014), which he was permitted to withdraw with liberty to file a fresh petition, but his previous counsel kept informing him that the certified copy of the orders passed in the said petition, were not available. It is stated that the petitioner could not do anything in the absence of the case file and being a resident of District Baghpat, UP, could not approach his previous counsel for some time due to his personal and financial difficulty.

3. We are not satisfied with the explanation sought to be offered by the counsel for the petitioner for explaining the inordinate delay particularly, when vide order dated 18.3.2015 passed in the earlier petition, liberty was granted to the petitioner to file a fresh petition. In any case, we are informed by learned counsel for the respondents that as of now there are no vacancies available for the post of Constable (Driver), as advertised in the year 2013.

4. In such circumstances, it would be a futile exercise to hear learned counsel for the petitioner on the validity of the Guidelines. The said issue is left open for a decision in a more meritorious case.

5. At this stage, counsel for the petitioner states that the petitioner has also made a prayer at clause (d) for expungement of the remarks made in the rejection slip dated 10.12.2013, “unfit for Government service” as it would be an impediment for the petitioner to apply for any other Government service in the future.

6. Counsel for the respondents hastens to clarify that the petitioner has only been declared unfit for service in the CAPFs and not for any Government service in the civil field.

7. In view of the said submission, it is clarified that the rejection slip dated 10.12.2013, which mentions that the petitioner's candidature has been rejected as "unfit for Government service" is limited to CAPFs and does not apply across the board to employment options that may be available to him in Government organizations, public sectors etc.

HIMA KOHLI, J

SUNIL GAUR, J

MAY 31, 2016
sk/mk

