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

+ W.P.(C) 5421/2015

SHIV SINGH

..... Petitioner

Through: Mr. Ranbir S. Chhillar, Advocate

versus

UNION OF INDIA & ANR

.....Respondents

Through: Ms. Amrita Prakash, Advocate

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER

22.02.2016

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1. This order is in continuation of the earlier order dated 21st January, 2016, on which date, it was noted that the petitioner's grievance is that he had applied for recruitment to the post of Constable (GD) in Central Armed Police Force (CAPF) and Rifleman in Assam Rifles in the year 2012-13 and having failed to clear the medical examination, he had represented to the respondent for a Review Medical Board, which application remained pending without any decision.

2. In the course of the arguments, learned counsel for the respondents had submitted that the petitioner had preferred an appeal for review of his Medical Examination, which was duly

considered and vide letter dated 17th April, 2013, he was called to participate in the Review Medical Examination, which was scheduled to be held on 6th June, 2013 at the Composite Hospital, ITBP, Chandigarh. However, the petitioner did not turn up and was marked as 'absent'. Thereafter, the Review Medical Board Examination of all the candidates was conducted and forwarded to the Staff Selection Commission on 8th March, 2013.

3. As learned counsel for the petitioner had denied having received the letter dated 17th April, 2013, dispatched by the respondents, learned counsel for the respondents was directed to produce the relevant record evidencing dispatch of the said letter to the petitioner. Further, the respondents were also directed to state if there exists any vacancy to the post of a Constable (GD) in the Central Armed Police Force and the Rifleman in the Assam Rifles.

4. Learned counsel for the respondents states on instructions that there are no vacancies available for the subject post for the year 2012 and 2013 and the recruitment process is presently going on for the year 2015. She also hands over the relevant extract of Dispatch Register maintained by the respondents in respect of the letters dispatched to the applicants who had filed appeals against

their Medical Unfitness and states that the petitioner was dispatched a letter against Serial No.800, which co-relates with the number assigned to Annexure-I (the earlier letter dated 17th April, 2013, addressed by the respondents to the petitioner) intimating him about the date and time on which he was expected to appear for his review medical examination on 6th June, 2013.

5. Learned counsel for the petitioner denies the fact that any letter was received by the petitioner and states that he did not attach any self addressed envelope alongwith his appeal submitted to the respondents.

6. If that is the case, then the petitioner had clearly failed to comply with the requirements prescribed for filing an appeal against his Medical Unfitness, which mandates, amongst others, the requirement of forwarding a self addressed envelope with ₹5 stamp or a self addressed envelope with a stamp of ₹25/-, if the call letter is to be sent by ordinary post or by speed post respectively. In such circumstances, the petitioner cannot blame the respondents for the non-receipt of the call letter. In any case, it is not believable that when the respondents had dispatched several letters to other similarly placed applicants, wherever self addressed envelopes with a stamp of ₹5 affixed thereon were forwarded for a

review medical examination, they would not do so in the case of the petitioner. Further, no malafides have been attributed by the petitioner to the respondents.

7. A perusal of the documents handed over by learned counsel for the respondents, which are stated to be an extract of the relevant Dispatch Register, shows that several letters of the same nature have been dispatched to other applicants. Furthermore, having regard to the fact that there are no vacancies available to the post of a Constable (GD) in the years 2012 and 2013, no useful purpose will be served by directing the respondents to conduct a review medical examination of the petitioner.

8. In view of the aforesaid facts and circumstances of the case, the present petition is dismissed.

HIMA KOHLI, J

SUNIL GAUR, J

FEBRUARY 22, 2016

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