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

+ **W.P.(C) 9624/2015**

DIGVIJAY PRATAP SINGH & ORS

..... Petitioners

Through: Mr. Anuj Aggarwal, Advocate

versus

UNION OF INDIA & ORS

..... Respondents

Through: Mr. Giri C. George, Advocate

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER

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23.03.2016

1. The present petition has been filed by 19 petitioners praying *inter alia* for directions to the respondent No.1/Ministry of Home Affairs, UOI and respondents No.2 and 3/SSC to include their names in the select list and issue letters of appointment to them for the post of Constable (GD) in BSF, CISF, CRPF, SSB, ITB or Assam Rifles.

2. The grievance of the petitioners is that upon completing the written and oral examinations and clearing the medical examination, their candidature was rejected merely on the ground that they had not exercised all the options in Column 17 of the examination form, pertaining to the

force-preference. In support of his submission that non-filling of the column could not be a ground to turn down the candidature of the petitioners, learned counsel for the petitioners places reliance on the decision of the Division Bench of this Court in **W.P.(C) 7651/2012** entitled Vinay Kumar vs. UOI and Ors., that was followed in the judgment dated 23.12.2014, passed in **W.P.(C) 9212/2014** entitled Amit Kumar Singh and Ors. vs. UOI and Ors.

3. Counsel for the respondents states that the contention of the other side that the petitioners were not selected on the ground that they had failed to exercise their option in Column 17 in the examination form pertaining to force preference is incorrect and the correct position is that their non-selection is on the ground that they were ineligible merit-wise for inclusion in the select list for any of the CAPF against vacancies allotted to the general area of UP, in their respective categories. He states that even otherwise, the present petition is not maintainable in this Court as all the petitioners, except for petitioner No.14 are residents of Uttar Pradesh and they had taken their examination at Allahabad and therefore, no part of the cause of action had arisen in Delhi for them to have approached this Court

for relief. Petitioner No.14 is stated to be a resident of Uttrakhand and had appeared in the examinations in Uttrakhand.

4. Counsel for the petitioners concedes that all the petitioners are residents of Uttar Pradesh except for petitioner No.14, who is a resident of Uttrakhand and they had sat for their examination for recruitment to the post of Constable (GD) in the year 2011 at Allahabad, UP/Uttrakhand. Even their medical examination was conducted in Allahabad/Uttrakhand. He states that he may be permitted to withdraw the present petition while reserving the right of the petitioners No.1 to 13 and 15 to 19 to approach the High Court of Allahabad and the petitioner No.14 to approach the High Court of Uttrakhand, for appropriate relief.

5. The petition is dismissed as withdrawn alongwith the pending application, with liberty granted to the petitioners No.1 to 13 and 15 to 19 to file a fresh petition before the High Court of Allahabad and petitioner No.14 to file a fresh petition before the High Court of Uttrakhand, within eight weeks from today.

6. Needless to state both sides shall be entitled to take all the pleas that may be available to them, both on facts and in law in case the petitioners

No. 1 to 13 and 15 to 19 file a fresh petition before the Allahabad High Court and petitioner No.14 files a petition before the High Court of Uttrakhand, assailing their non-selection.

HIMA KOHLI, J

SUNIL GAUR, J

MARCH 23, 2016

rkb/ap

