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

+ W.P.(C) 11536/2015

BIJAY KUMAR TIWARI Petitioner
Through: Mr. H.S. Tiwari, Advocate

versus

UNION OF INDIA & ORS. Respondents
Through: Ms. Manisha Agarwal Narain,
Advocate

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI
HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
29.01.2016

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1. The present petition has been filed by petitioner praying *inter alia* for quashing the orders dated 31st July, 2013; 6th August, 2013 and 12th August, 2013 by which his request for the constitution of a Review Medical Board and for grant of promotion was rejected by the respondent-BSF. Further, the petitioner has prayed for directions to the respondents to constitute a Review Medical Board consisting of a medical specialist for treatment of diabetes mellitus and to consider his case for further promotion.

2. On the last date of hearing, learned counsel for the respondents was directed to obtain instructions as to whether the

respondents have replied to the representation dated 4th October, 2014 submitted by the petitioner.

3. Learned counsel for the respondents states on instructions that the period of two years commencing from 20th December, 2013, the date on which the petitioner was declared unfit for promotion, has already expired and a fresh Medical Board shall be convened in February, 2016, whereafter the petitioner shall be called to appear before the said Board for a fresh consideration.

4. In view of the submission made by learned counsel for the respondents, the present petition is disposed of as not pressed, with liberty granted to the petitioner to appear before the Medical Board to be constituted by the respondents afresh. If the grievance of the petitioner still survives, he shall be entitled to avail of his remedies, as may be available in law.

5. This petition is disposed of.

HIMA KOHLI, J

SUNIL GAUR, J

JANUARY 29, 2016

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