

PETITION NO.1728 OF 2017

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1. The petitioner assails the communication received by him from the Respondents to the effect that the candidature of the petitioner for selection of constable/General Duty for the year 2015 is cancelled. The said cancellation is on the ground that petitioner

belongs to Maratha caste and has claimed relaxation in height. The petitioner at the relevant time did not produce the caste certificate in proper format. It is the case of the petitioner that he had shown the said certificate, however, the same was not accepted. Unless the certificate is shown, physical test is not conducted. The learned counsel submits that the said caste certificate has been received by the petitioner on 16.8.2014.

2. Mr.Nagode, learned counsel for the Respondents submits that as per advertisement, it is the responsibility of the candidate to verify the eligibility as prescribed before appearing for PST/PET. As no caste certificate was produced, the petitioner was not entitled for relaxation in height and as such is ineligible. Learned counsel has also produced the original record to substantiate that the petitioner has not produced the caste certificate.

3. We may not enter into the said debate at this stage. Along with affidavit-in-reply, the

Respondent has filed the guidelines issued by the Directorate General, CRPF for physical standard test and physical efficiency test and detail medical examination. Sub-clause 7 of clause 7 reads as under :

"7(7). Testimonials of the candidates will be checked during the medical examination stage. Compare documents from the candidates and their verification during DME will be the sole responsibility of the concerned CAPFs Recruitment Boards. When scrutiny of document is undertaken and written examination (at the time of DME), if any claim made in the application is not substantiated, candidates may be given chance for any correctness/rectification till last date of DME. If he still fails his candidature may be cancelled."

4. After perusing the said clause we had asked the learned counsel for the Respondents as to whether such an opportunity was given to the

petitioner to submit documents. The learned counsel for the Respondents on instructions states that no such opportunity/chance was given by the Board to submit documents. The said communication received by the learned counsel is taken on record.

5. In view of the fact that the petitioner was not given opportunity as required under clause 7(7) of the said guidelines, we pass the following order :-

a) The Respondents shall give opportunity to the petitioner to produce the documents. The petitioner may produce the said documents within two (2) weeks from today with the Respondents. Upon production of said documents, the Respondents shall consider the case of the petitioner for exemption/relaxation in height on its own merits and take decision about candidature of the petitioner.

b) The Writ Petition is accordingly

disposed of. No costs.

(SANGITRAO S. PATIL, J.)

(S.V.GANGAPURWALA, J.)

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