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

+ **W.P.(C) 1795/2017**

ANIL KUMAR

..... Petitioner

Through: Mr.Puran Mal Saini, Advocate.

Versus

UNION OF INDIA & ORS

..... Respondents

Through: Mr.Ajay Digpaul, CGSC with
Ms.Madhuri Dhingra, Advs. for R-1
to 4.

CORAM:

HON'BLE MS. JUSTICE INDIRA BANERJEE

HON'BLE MR. JUSTICE ANIL KUMAR CHAWLA

ORDER

% **02.03.2017**

CM No.7983/2017 (for exemption)

Exemption allowed subject to all just exceptions.

The application stands disposed of.

W.P.(C) 1795/2017

This writ petition is directed against the rejection of the candidature of the petitioner for the post of Sub Inspector in the Central Armed Police Forces and Assistant Sub Inspector in Central Industrial Security Force Examination 2012 as conveyed by a letter dated 08.12.2015 of the respondents.

It is the case of the petitioner that the petitioner qualified in the written tests that were conducted after which the petitioner was called

for Physical Endurance Test and Medical Examination. The petitioner cleared the Physical Endurance Test. The petitioner was, however, been declared medically unfit.

The petitioner appealed against the findings of the Medical Board. The appellate Medical Board confirmed the opinion of the Medical Board, and declared the petitioner unfit, whereupon the petitioner approached this Court by filing a writ petition being W.P.(C) No.3655/2014.

Pursuant to an order dated 18.02.2015, the petitioner was again examined medically by an independent Medical Board and this time he was found fit. However, after the interview the name of the petitioner did not feature in the final merit list.

Counsel appearing on behalf of the respondents submits that the petitioner was awarded 48 out of 100 marks in the interview. In a competitive examination, it is not for this Court to exercise its extra jurisdiction under Article 226 of the Constitution of India to embark upon a comparative assessment of candidates to decide whether a candidate has properly been awarded marks at the interview.

Counsel appearing on behalf of the petitioner submits that no questions were at all put to the petitioner. However, this Court has no way of verifying the correctness of such a contention. Be it noted that there is no contemporaneous correspondence complaining that no question had been put to the petitioner at the interview. Disputed questions of fact cannot be decided in the proceedings under Article 226 of the Constitution of India.

The writ petition cannot, therefore, be entertained and is hereby dismissed.

INDIRA BANERJEE, J

ANIL KUMAR CHAWLA, J

MARCH 02, 2017/gm