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

+ **WRIT PETITION(CIVIL) No. 4884/2017**

Date of decision: 29th May, 2017

BHAVESH RANA

..... Petitioner

Through Mr. Vijay Dahiya, Advocate alongwith
petitioner in person.

versus

UNION OF INDIA & ORS.

..... Respondents

Through Mr. Ajay Digpaul, CGSC & Ms.
Madhuri Dhingra, Advocate for UOI.

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MS. JUSTICE PRATHIBA M. SINGH”

SANJIV KHANNA, J. (ORAL):

Bhavesh Rana, in this writ petition, seeks parity and similar treatment as has been given, vide decision dated 29th March, 2017 passed by the Punjab and Haryana High Court in Civil Writ Petition No. 16209/2015 (O&M), *Vishu Jain versus Union of India and Others*. There are two differences between the said petitioner and the case set up by the present petitioner. The case of Vishu Jain would show that the said candidate had challenged the failure of the respondents to accommodate him in Indian Army once he was declared medically unfit to join Indian Navy. The petitioner therein had relied upon precedents in form of two other cases where candidates who were declared unfit to join Indian Navy were given appointments in Indian Army. In the present case, the petitioner had participated in the selection process and was declared medically unfit for joining Indian Navy on 17th September, 2016. The present writ petition has been filed on 27th May, 2017. There is considerable time gap between 17th September, 2016 and the petitioner's

request dated 21st April, 2017.

2. In response to the petitioner's request for being considered for the Indian Army, the respondents have clarified the position vide written communication dated 8th May, 2017. It is expressly stated that there were 90 vacancies advertised in the Indian Army and these vacancies have been filled up by the aspirants, who were selected. The said letter also records that 10 candidates, who were in the selection list, were merited out due to shortage of vacancies. We may point out that there were separate selection processes for the Indian Army and Indian Navy. We also note that the training course for Indian Army has already commenced in January, 2017.

3. In these circumstances, the case of the petitioner to be accommodated in the Indian Army once he was declared medically unfit to join Indian Navy, at this belated stage and as vacancies in the Indian Army are not available, is unacceptable. We do not think that the petitioner can be given any relief.

4. The petitioner, it is stated, has now appeared for selection in the Indian Army as he wants to join the same. The aforesaid decision would not affect the chances of the petitioner as far as his appearance for selection in the Indian Army is concerned.

SANJIV KHANNA, J.

PRATHIBA M. SINGH, J.

MAY 29, 2017
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