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

+ **W.P.(C) 1107/2017**

DINESH SINGH YADAV Petitioner
Through Mr. H. S. Sharma, Advocate with
Petitioner in person

versus

UNION OF INDIA & ANR. Respondents
Through Mrs. Suparna Srivatava, Advocates
for R-1 & R-2

CORAM:

DR. JUSTICE S. MURALIDHAR

MR. JUSTICE SANJEEV NARULA

ORDER

% **01.11.2018**

1. This is a petition filed under Section 226/227 of the constitution of India with a prayer that the Respondents should be directed to give the Petitioner an appointment to the post of Sub-Inspector in the Central Police Organisation (CPO) on the basis of marks given to him as stated in a letter dated 7th December 2016 issued by Secretary, Regional Headquarters of the Staff Selection Commission (R-2).

2. The advertisement pursuant to which the Petitioner sat for the competitive examination was issued in way back on 22nd May 2004. A copy of the advertisement has now been placed on record by the Petitioner. The maximum age for qualification as on the date of the advertisement was 20-25 years as on 1st August 2004. Clearly, therefore in terms of the

advertisement Petitioner does not satisfy the requirement as at present.

3. The explanation offered by the counsel for the Petitioner for the Petitioner not approaching this Court earlier is that he was pursuing his remedy before in the Rajasthan High Court. The Petitioner's Writ Petition No.1748/2006 was dismissed by the learned Single Judge, Rajasthan High Court on 3rd November 2014 and the Review Petition No. 90 of 2015 was dismissed by on 29th January 2016. The appeal therefrom was dismissed by the Division Bench on 6th May 2016. Thereafter, the Petitioner's Special Leave Petition No.24704/ 2016 was dismissed as withdrawn by the Supreme Court on 14th September 2016 by passing the following order:

“Learned Counsel for Petitioner seeks permission to withdraw this petition with liberty to make a representation. Permission sought for is granted.

The Special Leave Petition is dismissed as withdrawn with liberty as prayed for.

Pending application stands disposed of.”

4. After the above dismissal, the Petitioner made a representation to the Respondent No.2 on 24th October 2016. A letter dated 7th December 2016 was issued to him in which he was informed that he had been awarded 5 marks under the Head 'Higher/Desirable Academic/Professional Qualification/Experience', further he had been awarded 05 marks under the head of 'Extra-curricular activities' and that he was also awarded 02 marks out of 05 marks under the head of 'Essential education Qualification' as he had secured 49.66 marks in Graduation.

5. The position vis-a-vis the Petitioner was noted in the order of the learned Single Judge of the Rajasthan High Court in which reference was made to a letter dated 16th November 2016 of the Secretary, SSC informing the Petitioner *“that his total marks were 330 whereas last candidate recommended in OBC category secured 338 marks. Therefore, he was not found fit”*.

6. At this length in time, given the above factual position, it is not possible for this Court to issue any direction to the Respondent to consider the candidature of the Petitioner for appointment as Sub-Inspector.

7. The petition is accordingly dismissed.

S. MURALIDHAR, J.

SANJEEV NARULA, J.

NOVEMBER 01, 2018

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