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

+ **W.P.(C) 2525/2017**

JAIBIR SINGH

..... Petitioner

Through: Mr. Rajesh Dhankar and
Mr. Ashutosh Dubey, Advocates.

versus

UNION OF INDIA AND ORS

..... Respondents

Through: Ms. Monika Arora, CGSC.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

% **14.03.2018**

1. This order is in continuation of the order dated 05.2.2018, on which date, learned counsel for the respondents had produced the original record to substantiate her submission that the petitioner herein could not be recruited as a Ct. (GD) in CAPFs-2012 for the reasons that he had obtained 83 marks in the 'unreserved category' from the General Area of Haryana (Code-13) whereas the marks of the last selected candidate from the State of Haryana in all the CAPFs reflected that in the Assam Rifles, the marks of the last candidate from the 'un-reserved category' from the State of Haryana was fixed at 83. When the petitioner had cleared his Review Medical Board, he was considered for appointment in the Assam Rifles but it turned out that by then, there were no vacancies in the said Force for offering an appointment to the petitioner from the State of Haryana.

2. In view of the submissions made by learned counsel for the petitioner that the marks of the last selected 'un-reserved category' candidate from the State of Haryana in the Assam Rifles was not 83, but lower and further, having regard to the contention of the learned counsel for the petitioners that another candidate, namely, Rajesh having Roll No.22201576048 was selected by the respondents though the marks secured by him in the written examination was same as secured by the petitioner i.e, 83 marks, the respondents were directed to clarify the aforesaid position by filing an affidavit.

3. Ms. Arora, learned counsel for the respondents submits that an additional affidavit has been filed in compliance with the directions issued on 05.2.2018, where it has been clarified in para 4 that the marks of the last selected candidates in all categories for all the CAPFs for the General Area of Haryana (Code-13) in the 'un-reserved category' were 86 for BSF, 88 for CISF, 85 for CRPF, 86 for SSB, 84 for ITBP and 83 for Assam Rifles.

4. Learned counsel for the respondents clarifies that the petitioner had submitted only a single post preference option "C" i.e., CRPF in his application form and the cut off marks for the post preference 'C' in the 'un-reserved category' was 85 marks from the State of Haryana in the Select List. Since the petitioner had secured 83 marks, which was less than the last selected candidate belonging to the same category and State, he could not be selected for the said post. She submits that despite the same, the candidature of the petitioner was considered in the Reserved List-1 and Reserved List-2, but he could not be selected in the said lists also for the reason that no vacancies for 'un-reserved category' under the State of Haryana were left to be filled up as till then, all the vacancies pertaining to

State of Haryana (Code-13), had already been filled up through the Select List and Reserve List, updated on 17.10.2012.

5. As for the claim of the petitioner that another 'un-reserved' candidate from the General Area of the State of Haryana, namely, Mr. Rajesh, was selected for Assam Rifles though the marks secured by him were the same as secured by the petitioner, i.e. 83 marks. Learned counsel for the respondents submits that it has been clarified in the additional affidavit that unlike the petitioner, the aforesaid candidate had opted for all the posts preferences i.e., all the CAPFs and therefore, his candidature was considered in the Select List against all the posts preference and he was selected for preference 'F' i.e., Assam Rifles on merits, as he had secured 83 marks, which was the marks secured by the last selected candidate.

6. In view of the averments made by the respondents in the counter affidavit and the clarifications furnished by the respondents subsequently in the additional affidavit, we are of the opinion that the petitioner is not entitled to any relief.

7. The petition is accordingly dismissed.

HIMA KOHLI, J

PRATIBHA RANI, J

MARCH 14, 2018

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