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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 7289/2018

DHARMENDRA

..... Petitioner

Through: Mr. G.S. Rana, Advocate

versus

UNION OF INDIA AND ORS.

..... Respondents

Through: Mr. Vijay Joshi, Mr. Santosh Kumar
Pandey, Advocates with Mr. Vinod
Kumar, DC (Law)

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE SANJEEV NARULA

ORDER

16.11.2018

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1. The Petitioner has approached this Court with this writ petition praying that the Respondent should be directed to appoint him for the post of Constable in the Central Armed Police Force Services (C.A.P.F.S.) on the basis that he had qualified in the Physical Efficiency Test (PET) and the Physical Standard Test (PST) as well as medical examination in 2013 and as a result of which his name was recommended for appointment in the selection list on page 308 at serial No. 15372.

2. Initially, the Petitioner had filed an application before the Central Administrative Tribunal in 2016, which came to be dismissed in April 2018 on the ground that the Tribunal did not have jurisdiction to entertain the

petition.

3. The reason given by the Respondents in the reply filed before the Tribunal was that the Petitioner had applied in the OBC category and for candidates, like the Petitioner who appeared in the State of Rajasthan, the cut-off marks for each of the services of C.A.P.F.S. i.e. BSF, CISF, CRPF, SSB, ITBP and Assam Rifles was 81, 83, 77, 79, 77 and 77 respectively. Admittedly, the Petitioner's marks were 76.

4. It is further pointed out that on examination of the documents submitted by the Petitioner, it was found that he belongs to Village & Post Office Bhainsali, Tehsil Rajgarh, District Churu, Rajasthan which is not a Border/Naxal or Militancy Affected District of Rajasthan State. Therefore, he could not be considered against the Border Districts in the revised selection list.

5. The Court has been shown the original advertisement where the vacancy position in respect of different districts in Rajasthan have been set out. The only districts in Rajasthan, which were considered were Barmer, Bikaner, Ganga Nagar and Jaisalmer. The Petitioner admittedly does not come from any of these districts. He comes from District Churu.

6. Further, 17 posts were earmarked under the OBC category for Rajasthan for the above Border District areas, which did not include Churu, Rajasthan. Consequently, the non-consideration of the Petitioner against the vacancies for Border Districts cannot be faulted.

7. In sum, the Court is unable to find any error in the Respondents not considering the candidature of the Petitioner.

8. The petition is accordingly dismissed.

S. MURALIDHAR, J.

SANJEEV NARULA, J.

NOVEMBER 16, 2018
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