

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Sr. No.218

**CWP-3783-2017
DECIDED ON: 12.09.2019**

DEEPAK KUMAR

..PETITIONER

VERSUS

UNION OF INDIA AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Himanshu Aggarwal, Advocate for
Mr. Sunil K. Nehra, Advocate, for the petitioner.

Mr. Shivoy Dhir, Sr. Panel Counsel, for UOI.

ARUN MONGA, J. (ORAL)

Petitioner herein belongs to OBC category and seeks issuance of a writ in the nature of mandamus directing the respondents to appoint him on the post of Constable (GD) in CRPF from the same date as other similarly situated candidates have been appointed including arrears of salary etc.

2. Learned counsel for the petitioner contends that in the first round of medical examination, he was declared unfit, however, in the review Medical Board, he was declared fit. Yet the petitioner has not been accorded the benefit of his having qualified the written examination followed by the physical test and has been rejected on medical unfitness.

3. In the return filed by the respondents, following stand has been taken:

“The petitioner (Roll No.2201063823 – Deepak Kumar Yadav is an OBC candidate from Haryana (State Code 13) and scored 79 (Part-A-19) marks whereas minimum cut off for (C-CRPF) is 79 (Part-A-24) marks. As such he has not been selected since he had

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scored less mark than the last selected candidate in OBC category in Haryana.”

4. The aforesaid stand clearly reflects that his rejection is not on the medical ground and petitioner was found less meritorious than the last selected candidate in the category of OBC. No replication has been filed to controvert the above position.

5. Writ petition stands dismissed accordingly.

12.09.2019

Ankur

**(ARUN MONGA)
JUDGE**

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No