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

+ **W.P.(C) 7543/2019**

ASIF ALI

..... Petitioner

Through: Mr. M. Rais Farooqui and Mr. S.
Akbara Abdi, Advocates.

versus

UNION OF INDIA AND ANR.

..... Respondents

Through: Mr. S.M. Zulfiqar Alam &
Ms.Vidubeni Parashar, Advocates for
respondents/ UOI.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MR. JUSTICE RAJNISH BHATNAGAR

ORDER

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16.07.2019

C.M. No. 31356/2019

1. Exemption allowed, subject to all just exceptions.
2. The application stands disposed of.

W.P.(C) 7543/2019 and C.M. No. 31355/2019

3. The petitioner claims that he has made his application in response to advertisement notice No.SI/RPF-02/2018 for recruitment of Sub-Inspectors in Railway Protection Force and Railway Protection Special Force. The said advertisement provided zonal railway wise vacancies and in respect of

North-East Frontier Railway (NFR), there were 42 vacancies advertised in all including for males & females for all the categories cumulatively. The petitioner claims that the respondents, accordingly, invited 424 candidates in accordance with merit for the Physical Efficiency Test (PET) and Physical Measurement Test (PMT) and for Document Verification (DV). He submits that the petitioner did not figure in the first round and he was not part of the 424 candidates called. However, the respondents called further 350 candidates for the second round, in which the petitioner was included. The petitioner relies on Clause XI of the Important Instructions contained in the advertisement to claim that the aforesaid shows that there were 35 vacancies which remained unfilled after the first round. Clause XI of the advertisement reads as follows:

“XI) Stages of exam: There shall be online Computer Based Test (CBT) which will tentatively be held in September and October 2018. Candidates qualified and securing marks in the merit list (10 times of the category-wise vacancies notified) and in the CBT shall have to undergo Physical Efficiency Test (PET) & Physical Measurement Test (PMT) and Document Verification (DV). However, in case requisite candidates do not qualify in PET/PMT and it is assessed that vacancies in any category /Group for Male/Female/Ex-Servicemen will not be filled up, additional candidates equal to 10 times the number which are likely to remain vacant after the first round of PET/PMT may again be called from amongst the candidates who have secured minimum qualifying marks for a second round of PET/PMT. There shall be a maximum of two rounds of PET/PMT.”

4. The petitioner claims that the respondents have thereafter not appointed him against one of the 35 vacancies. The vacancy position in respect of NFR reads as follows:

<i>Group</i>	<i>Zonal Railway</i>	<i>Male</i>					<i>Female</i>				
		<i>UR</i>	<i>SC</i>	<i>ST</i>	<i>OBC</i>	<i>Total</i>	<i>UR</i>	<i>SC</i>	<i>ST</i>	<i>OBC</i>	<i>Total</i>
<i>E</i>	<i>NFR</i>	21	5	1	3	30	8	2	1	1	12

5. The aforesaid shows that in respect of males, there were only 21 unreserved posts. The petitioner could have a grievance only if another person who is lower in merit in the unreserved category – to which he belongs and is a male, is appointed in preference to the petitioner.

6. On our query, learned counsel states that he has not been provided with the merit-wise position of the persons appointed by the respondents. We leave it to the petitioner to seek information in this regard from the respondents, and if the petitioner does make an application for that purpose, the information shall be provided to him. In case the petitioner finds that somebody less meritorious than him has been appointed, it shall be open to him to prefer another petition.

7. The petition stands disposed of in the aforesaid terms.

VIPIN SANGHI, J

RAJNISH BHATNAGAR, J

JULY 16, 2019

B.S. Rohella