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

+ W.P.(C) 9085/2019 and CM APPL. 37523/2019

SURENDER SINGH

..... Petitioner

Through: Mr. A.K. Trivedi & Mr. Naveen
Kumar, Advocates.

versus

UNION OF INDIA AND ORS.

..... Respondents

Through: Ms. Bharathi Raju, CGSC for
respondents No.1 to 4/ UOI.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MR. JUSTICE RAJNISH BHATNAGAR

ORDER
22.08.2019

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1. The petitioner has preferred the present writ petition to assail the rejection of his candidature vide order dated 22.07.2019 on the ground that he did not have the requisite height of 167.5 cms. when examined by the Medical Board. The petitioner seeks a direction to the respondents to conduct re-examination of his height by standardised equipment at any Government hospital or R&R Hospital, Army Delhi Cantt.

2. The advertisement notice dated 31.01.2019 – in response where to the petitioner made his application for the post of Constable (Tradesman) (Male) in the Border Security Force (BSF) for the year 2019, itself prescribed in Note-II that the candidates who are declared 'Not Qualified' in PST i.e. height and chest in the case of male & only height in the case of

female may prefer an appeal on same day, if they so desire, to the Appellate Authority and that the decision of the Appellate Authority will be final and no further appeal or representation in that regard would be entertained thereafter.

3. The petitioner appeared before the Medical Board on 22.07.2019 and upon physical examination, he was declared as 'Not Qualified' due to less height. He was found to be 166 cms., whereas the minimum height requirement for the said post was 167.5 cms. It appears that the petitioner left the place of examination, and thereafter, proceeded to get himself examined at Civil Hospital, Narnaul, which found the petitioner's height as 168 cms. On that basis, the petitioner sought to make representation on 05.08.2019 seeking re-examination of his height.

4. Learned counsel for the petitioner submits that the petitioner had verbally sought examination by the Appellate Authority on 22.07.2019 itself but he was not so examined. On the other hand, learned counsel for the respondent – who appears on advance notice, disputes this fact and states that the petitioner never opted to get himself examined by the Appellate Authority. Had he made such a request, he would have been examined by the Appellate Authority, which was present at the same location.

5. We do not find any merit in the present petition for the reason that if the petitioner was dissatisfied with his being disqualified on account of less height, he was specifically put to notice that he may appeal in writing to the Appellate Authority on the same day. Admittedly, he made no such written application. Even otherwise, the submission that the petitioner made a

verbal request to be examined by the Appellate Authority cannot be accepted. If such a request was made and not entertained, normally, he should have raised a hue & cry either on the same day, or at least the following day. He did not make any such grievance or protest. It appears that he subsequently got himself examined at his own convenience at Civil Hospital at Narnaul, and on that basis, made a representation only on 05.08.2019. That cannot be a reason to direct re-examination of the petitioner.

6. The respondents are involved in undertaking recruitment to hundreds and thousands of posts. The entire recruitment process is planned in advance and interference in the said process on such requests cannot be permitted by the Court, particularly when the candidate himself/ herself has not complied with the procedure prescribed. Otherwise, the entire recruitment process loses its sanctity and may even get derailed to the detriment of the interest of the force; the other candidates, and; public interest at large.

7. We are, therefore, not inclined to entertain the prayer made by the petitioner in the present case.

8. Dismissed.

VIPIN SANGHI, J

RAJNISH BHATNAGAR, J

AUGUST 22, 2019

B.S. Rohella