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

+ **W.P.(C) 11927/2019 and C.M. APPL. 48881/2019 (int. stay)**

DINESH

..... Petitioner

Through: Mr. Sourabh Ahuja, Advocate.

versus

UNION OF INDIA AND ORS.

..... Respondents

Through: Mr. Nawal Kishore Jha, Senior Panel
Counsel with Mr. Mohit Bhardwaj,
GP.

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE TALWANT SINGH

ORDER

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16.12.2019

1. On 10th December, 2019, the following order was passed:-

“1. The original medical record has been perused. It is noted that in the Review Medical Examination (‘RME’), of the two defects pointed out initially, one viz, ‘Bi-lateral Varicose Veins’ was not found.

2. As regards the remaining defect, that is ‘external Hemorrhoids’, the report of the RME noted that the Petitioner had been operated upon on 26th June, 2019, and that, as on the date of the RME i.e. 5th October, 2019, 6 months had not elapsed after the surgery.

3. Learned counsel for the Petitioner states that the Petitioner ought to have been called for the RME 6 months after the surgery, in which case he would not have been disqualified on the ground of medical unfitness.

4. Learned counsel for the Respondents seeks time to inform the Court whether a vacancy is still available to accommodate the Petitioner, if he were to be examined by way of a RME 6 months after the surgery.

5. At the request of counsel for the Respondents, list on 16th December, 2019.”

2. Today, learned counsel for the Respondents informs the Court that all vacancies have since been filled and no vacancy is available against which the Petitioner can be adjusted.

3. Learned counsel for the Petitioner seeks to dispute the contention of the Respondents that all vacancies have been filled. The Court cannot possibly investigate the correctness of the above assertion by learned counsel for the Respondents in these proceedings.

4. Having heard learned counsel for the parties, the Court is not persuaded that there is any scope for granting relief to the Petitioner as far as the present petition is concerned. The petition is dismissed and the pending application is also disposed of.

S. MURALIDHAR, J.

TALWANT SINGH, J.

DECEMBER 16, 2019

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