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

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+ **W.P.(C) 1350/2017**

PREM CHAND KUMAR & ORS.

..... Petitioners

Through: Mr Pardeep Gupta, Mr Parinav Gupta,
Mr Moazzam Ali and Ms Mansi
Gupta, Advocates.

versus

RAILWAY PROTECTION FORCE & ORS.

..... Respondents

Through: Mr Rakesh Mittal and Mr H. Bose,
Advocates for RPRC.

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE SANJEEV NARULA

ORDER

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11.02.2019

1. Learned counsel for the Respondents relies on the decisions in *E.V. Deepa v Union of India AIR 2017 SC 1945* and *Gaurav Pradhan v State of Rajasthan (2018) 11 SCC 352*. He also refers to Clause 14 (f) of the Standing Order No.85 dated 5th March, 2009, which states that those candidates who do not avail any relaxation in age, physical measurements and qualifying marks in the written test and get selected purely on merits “shall not be counted against the vacancy reserved for such categories”.

2. He further states, on instructions, that there are several persons in the merit list above the present Petitioners and, therefore, even if the plea of the Petitioners, based as it is on the decisions in *Jitendra Kumar Singh v. State*

of U.P. (2010) 3 SCC 119 and *Vikas Sankhala v Vikas Kumar Agarwal (2017) 1 SCC 350* is accepted, they will still not be able to secure appointments as sought by them.

3.As far as the last submission is concerned, learned counsel for the Respondents states, on instructions, that within two weeks he will file an affidavit placing on record the factual position, with an advance copy to learned counsel for the Petitioners who is permitted to file response thereto before the next date.

4. List on 12th March, 2019.

5. The matter be treated as part-heard.

S. MURALIDHAR, J.

SANJEEV NARULA, J.

FEBRUARY 11, 2019

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