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

+ **W.P.(C) 1882/2018**

ANUJ RAWAT Petitioner

Through Mr. Siddhant Buxy, Advocate

versus

UNION OF INDIA & ORS Respondents

Through Mr. Arun Bhardwaj (CGSC) with
Mr. Nikhil Bhardwaj, Advocates

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE TALWANT SINGH

ORDER

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11.09.2019

1. The Petitioner appeared in the examination for the post of Sub-Inspector (SI) in the Indo Tibetan Border Police (ITBP) in the year 2003 but was not sent for training since he was declared medically unfit. Subsequently, in the review medical examination held in the year 2004, the Petitioner was declared fit. Pursuant thereto, he joined the

3. The grievance of the Petitioner is that within the year 2003 batch, he should be given seniority according to his merit position in the written examination.

4. In the above context, this Court had on 1st May 2019 required the Respondent to examine relevant records available with the SSC which could show the relevant merit of the Petitioner in the examination of 2003.

5. Pursuant to the order passed by this Court on 1st May, 2019, an affidavit has been tendered in the Court today by Mr. Tarun Bhardwaj, learned senior standing counsel on behalf of the Staff Selection Commission (SSC) (Respondent No.5). Paragraph No. 3 of the affidavit reads as under:

“In this context, it is most humbly submitted that no records related to marks list of the impugned examination is available in the Commission. Further, as per Record Retention Schedule of the Commission, the retention period of records related to original marks lists / marks date of all examinations / CD is three years from the date of announcement of the final results. The result of SI in CPO Examination, 2003 was declared on 30.04.2004.”

6. In view of the above affidavit stating that no records of the 2003 exam are available, this Court is not in a position to grant further relief to the Petitioner. Nevertheless, the Court places on record the statement of Mr. Bhardwaj on instructions that all benefits, consequent upon the Petitioner's seniority being fixed at the bottom of the batch of 2003, will be given to the Petitioner in accordance with law.

7. No further directions are called for. The petition stands disposed of.

S. MURALIDHAR, J.

TALWANT SINGH, J.

SEPTEMBER 11, 2019

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