

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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CWP-28601-2017(O&M)

Date of Decision : February 24, 2020

AASHISH KUMAR

.....Petitioner

VERSUS

UNION OF INDIA AND ORS

.....Respondents

CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAUR

Present : Mr. Shashi Kumar Yadav, Advocate
for the petitioner.

Ms. Anita Balyan, Advocate
for the respondent-UOI.

NIRMALJIT KAUR, J. (Oral)

The prayer in the present petition is to consider the candidature of the petitioner and appoint him as Constable-Fitter because the petitioner had qualified the physical test, written test, trade test and was declared medically fit. It is further stated that the petitioner was the only one, who was medically fit and the other candidates i.e. respondents No.5 to 7 were infact not medically fit but they subsequently managed to get themselves declared medically fit which is not permissible.

Reply has been filed. As per the said reply, only 14 candidates including the petitioner were found eligible for written examination. Out of 14 candidates, only 7 candidates including the petitioner were declared passed and qualified in written examination. During the course of the detail medical examination, 4 candidates were declared medically unfit on various grounds and 2 candidates were declared fit including the petitioner. However, as per sub para IV(iii)(C)

of para 11 of the advertisement notice that “If a candidate is declared medically unfit for appointment in CRPF during medical examination, the grounds for rejection will be communicated to him/her in broad terms in writing by Medical Officer concerned duly countersigned by the Presiding Officer (Med Form-III). The candidate, if not satisfied with the findings of the Medical Officer, can submit an appeal for review medical examination with a proof of his/her fitness in the form of medical certificate and review medical examination fee, to the appellate authority, within 15 days of communication of medical unfitness.” Respondents No. 5 to 7 exercised their options and used the opportunity and preferred their appeals for review medical examination. In the review medical examination, the said respondents were declared medically fit. As per the merit list, 3 candidates secured position in the merit list against 3 vacancies. The marks of the petitioner and the last candidate i.e. Duni Ram were the same. The petitioner being younger to Duni Ram could not be appointed in view of the instructions provided in sub para v(iii) of para 11 of the advertisement/notice which specifically states that the candidate older in age will get preference in case the candidates have same marks.

In view of the above, the present writ petition is dismissed.

February 24, 2020
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(NIRMALJIT KAUR)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No