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

+ **W.P.(C) 2565/2020**

SONU SINGH

..... Petitioner

Through: Ms. Pratishtha Vij, Adv. for
Mr. Chritarth Palli, Adv.

versus

UNION OF INDIA AND ORS.

..... Respondents

Through: counsel for the respondent
(appearance not given).

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

ORDER

% **13.03.2020**

1. This petition has been filed impugning the denial of opportunity to the petitioner to compete in the Limited Departmental Competitive Examination for career progression and consequent deprivation of the petitioner from career progression, mandamus, to allow the petitioner to compete for the Limited Departmental Competitive Examination is also sought.
2. The counsel for the respondent CRPF appears on advance notice.
3. The counsel for the petitioner, at the outset states that certain relevant documents remain to be filed.
4. The counsel for the petitioner has been permitted to, in Court, hand over a compilation of documents (without index) and the same is taken on record.

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5. The counsel for the petitioner has argued, (i) that the petitioner, in the year 2007 was appointed as a Constable in the respondent CRPF; (ii) that the petitioner, though eligible for and desirous of participating in the Limited Departmental Competitive Examination for promotion to the post of Head Constable, was illegally not permitted to participate in the said examination held in the years 2012-2016, by unreasonably determining the petitioner not eligible for the same, though the petitioner was eligible; (iii) no Limited Departmental Competitive Examination was held after the year 2016; (iv) the petitioner filed CWP No.26049/2016 (O&M) in the High Court of Punjab and Haryana High Court at Chandigarh but which was disposed of vide order dated 12th October, 2017 “in view of the later development that the petitioner could not qualified for the purpose of promotion to the post of LDCE as stated in para 4 and 5 of reply, present petition do not survive for consideration. Further the respondents have admitted that the petitioner would be allowed to participate in the process of selection to the post of LDCE during the next session. In view of these facts and circumstances, petition do not survive for consideration”; (v) the petitioner, as per his age, was eligible to appear in the Limited Departmental Competitive Examination till the year 2017 but no such examination was held in the year 2017 or thereafter; (vi) that however the respondents have now brought out an advertisement dated 7th February, 2020 for such examination but the petitioner is now overage to appear in the same; and, (vii) the petitioner has made a representation dated 26th August, 2019 to the respondents but the same has not been decided.

6. The counsel for the petitioner confines the relief in this petition to decision of the said representation.

7. As per the advertisement dated 7th February, 2020, the closing date was 6th March, 2020. The petitioner filed this petition only on 20th February, 2020 and re-filed the same on 26th February, 2020 and 3rd March, 2020 and the petitioner came up first before this Court on 5th March, 2020 when the same could not be taken up and was adjourned to today.

8. We have thus enquired from the counsel for the petitioner, that once the closing date for applying is itself over, what remains in this petition.

9. The counsel for the petitioner states that the petitioner had applied before 6th March, 2020 but his application was not accepted.

10. A perusal of Clause 8 of the advertisement dated 7th February, 2020 shows relaxation in age to be admissible only with respect to SC/ST candidates.

11. The counsel for the petitioner states that the petitioner belongs to Other Backward Classes.

12. We have enquired from the counsel for the petitioner, that once there is no power to relax the age, how can a direction be issued to the respondents to consider the representation of the petitioner for relaxation of age inasmuch as the respondents cannot possibly decide contrary to the terms of the advertisement.

13. Though the counsel for the petitioner during her arguments, from time to time has contended that the petitioner has been wrongfully denied participation in the Limited Departmental Competitive Examination from the year 2012-2016, but agrees that the challenge in that respect was before

the Punjab and Haryana High Court and which does not survive after the disposal of the petition by the Punjab and Haryana High Court.

14. We have also enquired from the counsel for the respondents, whether there is any other empowerment to the respondents to grant relaxation in age.

15. The counsel for the respondents states that he will have to obtain instructions as to any other empowerment of the respondents to grant relaxation in age.

16. In the aforesaid circumstances, it is deemed appropriate to dispose of this petition with a direction to the respondents to, on or before 24th March, 2020, consider and decide the representation dated 26th August, 2019 of the petitioner for relaxation in age as well as treating this writ petition as representation and if the decision is in favour of the petitioner, also consider and decide the possibility of permitting the petitioner to apply at this stage and participate in the Limited Departmental Competitive Examination 2019.

17. It is, however, made clear that there will be no further challenge to the decision of the respondents on the representation.

18. The petition is disposed of.

Dasti under signatures of the Court Master.

RAJIV SAHAI ENDLAW, J

SANGITA DHINGRA SEHGAL, J

MARCH 13, 2020

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