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

+ **W.P.(C) 3728/2018**

K G NINAWAWE

..... Petitioner

Through: Mr. Manindra Dubey, Advocate.
versus

UNION OF INDIA AND ORS.

..... Respondents

Through: Ms. Barkha Babbar, Advocate for
UOI.

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE TALWANT SINGH

ORDER

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29.01.2020

1. Para 4 of the counter affidavit of the Respondents states as under:

“4. The very reason for non-consideration of the Petitioner's name for BCA/foreign posting was that he had not come up in his service-seniority in the category of Assistant upto Quarter Ending Sept 2016 (Vacancies upto 04 Jan 2017). Subsequently, the Petitioner attained the age of 55 years on 09 Jan 2017 (Date of Birth 10 Jan 1962) which is the maximum age limit permissible at the time of entry into BCA area. It is further submitted that, during the Quarter (Vacancies upto 04 April 2017), the first vacancy had fallen due in BCA units on 15th Jan 2017 with reporting date 11 Jan 2017. Whereas the Petitioner became overage on 09 Jan. 2017. Hence, the Petitioner became permanently ineligible for further consideration for BCA posting due to his having become overage. Therefore, his name had not been considered in the subsequent BCA panels from Quarter Ending Dec 2016 onwards as per Chapter 19 of Para 5(d) of ROI 1/98. A copy of Para 5 (b) and Para 5 (d) of Chapter 19 of ROI 1 / 1998 is annexed as Annexure R-2 to the

Counter Affidavit. The Policy which had been made for the entire organization had been applied in his case also.”

2. In view of the above stand of the Respondents, it is not possible for the relief prayed for to be granted to the Petitioner at this stage.

3. The petition is dismissed.

S. MURALIDHAR, J.

TALWANT SINGH, J.

JANUARY 29, 2020

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