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

+ W.P. (C) 2402/2021

RAVI RAJAN KUMAR

.....Petitioner

Through: Mr. Amit Pathak, Advocate with
Mr. Yash Kotak and
Mr. Shubhashis Rasik Soren,
Advocates.

Versus

UNION OF INDIA

.....Respondent

Through: Mr.T.P.Singh, with Mr. Himanshu
Pathak, Advocate.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

HON'BLE MS. JUSTICE ASHA MENON

ORDER

22.02.2021

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1. The petition has been heard by way of video conferencing.
2. Present writ petition has been filed challenging the office order dated 17th February, 2020 issued by the Respondent whereby Petitioner's service was terminated on the ground that he had not completed two years of training due to medical unfitness. Petitioner also seeks direction to the Respondent to allow the Petitioner to undertake training course after his recovery and to reinstate the Petitioner for light duty till the Petitioner is medically fit and undertakes the training.
3. Learned counsel for the Petitioner states that the Petitioner was a constable in Sashastra Seema Bal Combatised (General Duty) Group C. He states that during the recruitment training w.e.f. 18th September, 2017,

the Petitioner received hip injury because of which the Petitioner was forced to take medical leave.

4. He states that due to this injury, the Petitioner was relegated to duties to Pithoragarh without completion of the training. He points out that the Petitioner was unable to perform heavy duty and had to take leave again. He states that during the service period, the Petitioner sought several earned leaves and used to submit the medical reports to the officers seeking leave for treatment.

5. Learned counsel for the Petitioner states that the Petitioner received show cause notice to which the Petitioner replied citing all relevant medical records for failure to perform heavy duties and his reason for not undergoing training. He states that without considering the reply, the Petitioner was terminated from force.

6. Learned counsel for the Petitioner submits that though the Petitioner had two chances to appear for the training program, yet the Respondent never allowed the Petitioner to revert to the training.

7. He lastly submits that under the Recruitment Rules, 2011, the Union of India has the power to relax the Rules with respect to any class or category of persons.

8. Having heard learned counsel for the petitioner and having perused the paper book, this Court finds that the terms & condition of Para-2(ii) of the offer of appointment issued to the Petitioner dated 25th July, 2017 clearly mentions; *“The appointment is purely temporary but likely to continue. He will be on probation for a period of 02 (two) years from the date of appointment. The competent authority, as prescribed under SSB Rules may, for the reasons to be recorded in writing, extend the period of*

probation for such further period or periods not exceeding two years or may during the period of probation, terminate his services without assigning reasons. His permanent appointment to the post, however, will depend upon various factors governing terms of permanent appointment to such post in Force at that time.” Further, Para 2(vii) of the offer of appointment dated 25th July, 2017 clearly mentions “He will have to successfully complete ‘basic recruit training course’ being conducted by Sashastra Seema Bal within a period of 02 years from the date of appointment. Not more than two chances will be given.”

9. Admittedly, due to medical unfitness, the Petitioner could not complete the basic recruit training course within two years from the date of appointment.

10. This Court is of the view that if the Petitioner’s submission that he be given two chances to complete his basic recruit training course even beyond two years from the date of appointment is accepted, then the new recruits may not complete their training for very long period and as a consequence, the combatised force shall not be able to deploy able-bodied persons for combat duties for a long period of time. Such an interpretation would defeat the intent and purpose of creating a centralized combatised force like Sashastra Seema Bal.

11. This Court is also of the opinion that to ask the respondent to relax the rules is not warranted as Sashastra Seema Bal is an elite central force and the Court cannot ask the respondent to lower/dilute its standards.

12. In any event, as this Court reviews the decision making process and not the decision in the writ jurisdiction, it finds that there is no illegality in the process followed by the respondent as prior show cause

notice had been issued to the petitioner. Accordingly, the present writ petition being bereft of merits is dismissed.

13. The order be uploaded on the website forthwith. Copy of the order be also forwarded to the learned counsel through e-mail.

MANMOHAN, J

ASHA MENON, J

**FEBRUARY 22, 2021
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