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

+ **W.P.(C) 10885/2021 & C.M.No.33573/2021**

PARSHANT

..... Petitioner

Through Ms.Ria Gandhi, Advocate for Mr.Ajit
Kakkar, Advocate.

versus

UNION OF INDIA & ORS.

..... Respondents

Through Mr. Virender Pratap Singh Charak,
Mr. Shubhra Parashar,
Mr.Pushpender Singh Charak,
Mr.Kapil Gaur, Mr. Vaishnav Kirti
Singh, Mr. Shubham Ahuja,
Mr.Sanjay Singh Chauhan, Mr. Ram
Pal Singh Tomar, Mr. Gyanwardhan
Singh, Mr. Vivek Nagar, Advocates
for UOI.

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Date of Decision: 27th September, 2021

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

HON'BLE MR. JUSTICE NAVIN CHAWLA

J U D G M E N T

MANMOHAN, J: (Oral)

1. The appeal has been heard by way of video conferencing.
2. Present writ petition has been filed challenging the reply dated 11th June, 2021 issued by the respondents to the petitioner's legal notice, whereby the petitioner was not considered for the post of Sailor in the Indian Navy as he did not turn up for the final enrolment medical examination. Petitioner also seeks direction to the respondents to conduct the final enrolment medical examination of the petitioner.

3. Learned counsel for the petitioner states that the petitioner had successfully cleared the Phase I, Phase II and the medical examination of the selection procedure for the post of AA SSR. She states that the petitioner met with an accident which resulted in a fracture due to which the petitioner was unable to report for his final enrolment medical examination which was scheduled on 12th February, 2020. She states that the doctor had advised the petitioner to take complete bed rest and had opined that the petitioner would be able to walk properly only after three to five months.

4. Learned counsel for the petitioner states that the petitioner sent a representation to the respondents to postpone the final enrolment medical examination of the petitioner to any other date in view of the unforeseen circumstances, however, the same was not considered by the respondents and they refused to accept any explanation by the petitioner for his non-attendance. She states that the respondents were unreasonable in not giving the petitioner a second chance to appear in the final enrolment medical examination which can easily be conducted at a later date or along with any other batch.

5. A perusal of the paper book reveals that the petitioner's candidature has been rejected as the petitioner did not report on the scheduled date and time for medical examination. Para-4 of the Call-up Letter dated 17th January, 2020 specifically states that selection will stand cancelled and candidates will have no claim for enrolment in Indian Navy, in case they fail to report on the scheduled date and time. Moreover, the initial training of the successful candidates of AA/SSR-01/2020 batch, for which the petitioner had applied for, is already over and the said candidates are undergoing professional training. Consequently, this Court is of the view

that the decision making process in the present case was fair and reasonable and the petitioner cannot be given a chance to re-join the batch of AA/SSR-01/2020 or any other subsequent batch for which a separate and independent selection process would have to be undergone.

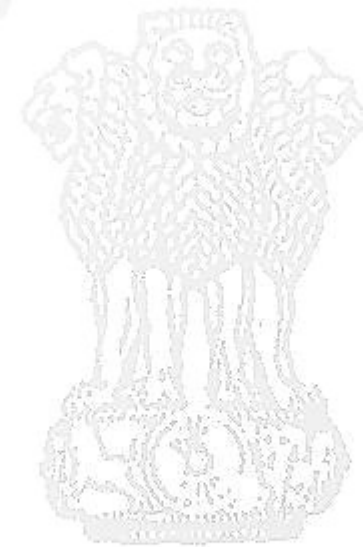
6. Accordingly, the present writ petition along with pending application is dismissed.

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

MANMOHAN, J

NAVIN CHAWLA, J

SEPTEMBER 27, 2021
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