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

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Judgment delivered on: 12.07.2022

+ W.P.(C) 4777/2019 and CM No.34192/2019

RAVI DABAS

..... Petitioner

versus

DELHI POLICE AND ANR.

..... Respondents

Advocates who appeared in this case:

For the Petitioner: Mr. Jai Deep Malik and Mr. C.M. Sangwan,
Advocates

For the Respondent: Mrs. Avnish Ahlawat, Standing Counsel
with Mr. Uday Singh Ahlawat, Mr. N.K.
Singh, Mrs. Tania Ahlawat, Mrs. Palak
Rohmetra and Mr. Sidhhant Tyagi,
Advocates

CORAM:

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioner seeks leave to withdraw this petition.
2. The issue involved in the present case was with regard to the medical fitness of the Petitioner, who was aspiring for the post of Constable (Ex.) in the Delhi Police. In the initial physical fitness test, Petitioner failed to qualify on the ground of his vision being not upto the required mark.



3. On 02.06.2022, we noticed that there were 4 different reports with regard to the vision of the Petitioner, the last report being of Dr. Rajendra Prasad, Centre for Ophthalmic Sciences, AIIMS, New Delhi, which had reported the vision of the Petitioner as 6/6. In view of the mass variance in the reports that were produced before this Court, this Court directed the Petitioner to appear before a fresh Medical Board to be constituted at Guru Nanak Eye Centre for examination.

4. On 17.06.2022, one person appeared before the Medical Board. The doctors were of the view that the signatures of the person who had appeared before the Medical Board did not tally with the signatures in the Police records. Accordingly, a direction was issued to the Respondents to produce the original signatures as well as the biometric record available in the police records and Petitioner was thereafter required to appear on 29.06.2022.

5. Petitioner did not appear on 29.06.2022 and 01.07.2022 before the Medical Board.

6. Learned counsel for the Petitioner submits that Petitioner is no longer interested in pursuing the said petition and seeks leave to withdraw the petition.

7. Learned counsel for the Respondents submits that it appears to be a case of impersonation. She, however, on instructions, submits that no further steps have been taken by the Respondents on the said averment.

8. Learned counsel for the Petitioner disputes that it is a case of impersonation. He submits that the Petitioner does not wish to pursue the said petition as he has secured some private employment.



9. Without getting into the averment of the Respondent or the issue of impersonation, in view of the fact that the Tribunal as well as this Court was made to spend substantial time in adjudicating the petition and having the Petitioner appear before the repeated Medical Boards, we are of the view that this is a fit case where costs should be imposed on the Petitioner even where Petitioner seeks to withdraw the petition.

10. In view of the above, petition and the application filed herewith are dismissed as withdrawn, however, with costs of Rs.30,000/- to be deposited with the Delhi Police Welfare Society, 18200100001081, UCO Bank, IFSC Code – UCBA0001820. The costs be deposited within a period of four weeks. In case costs is not deposited, Respondents are at liberty to approach this Court.

SANJEEV SACHDEVA, J

TUSHAR RAO GEDELA, J

JULY 12, 2022

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