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IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of decision: September 14, 2022

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W.P.(C) 13227/2022 & CM APPL. 40059/2022**SARIKA KUMARI**

..... Petitioner

Through: Mr. Abhay Kumar Bhargava,
Advocate with petitioner in-person.

Versus

UNION OF INDIA & ORS.

..... Respondents

Through: Mr. Amit Tiwari, SPC and Mr. Sahag
Garg, Advocate for UOI with DIG
(Sports) Dinesh Pal Singh, DC Rajbir
Singh, Comdt. (Law) M. Raja and DC
(Law) Hemendra Singh for BSF.**CORAM:****HON'BLE MR. JUSTICE SURESH KUMAR KAIT****HON'BLE MR. JUSTICE SAURABH BANERJEE****J U D G M E N T (oral)**

1. When the matter was listed on 12.09.2022, the learned counsel for the petitioner on instructions had stated at Bar that the petitioner herein falls under the same category as Ms. Neha Jadhav, the petitioner in W.P.(C) 12056/2022 “*Neha Jadhav Vs. Union of India & Ors.*”. As such, the learned counsel for the respondents was directed to seek instructions as to if the case of the petitioner is different from that of Ms. Neha Jadhav, which has already been allowed by this Court vide order dated 05.09.2022.

2. When the matter was listed before us today, the learned counsel for the respondents submitted that as per respondents assessment of the two, Ms. Neha Jadhav was the better suited candidate. He has further submitted that though both Ms. Neha Jadhav and the petitioner herein were initially shortlisted, however, only Ms. Neha Jadhav was recommended for the 60th Diploma Course in Sports Coaching for Session 2022-2023 for Netaji



Subhash National Institute of Sports, Patiala, and consequently she was detached from the battalion.

3. Learned Counsel for the respondents further submits that the criteria for shortlisting the names for NIS diploma are that in events in which more than one player is found eligible only one may be sent in the said event and if a lady is also found eligible then the name of one male and one female can be considered.

4. It is not in dispute that Ms. Neha Jadhav, who is not the petitioner in the present petition, has already been recommended for the said course for the one female vacancy vide order dated 05.09.2022 passed by this court in W.P.(C) 12056/2022, she has paid the fee and even joined physical classes now.

5. Furthermore, both online classes and physical classes for the aforementioned course have already commenced for the session 2022-23. In view thereof, the present petition is belated and further the petitioner has already missed the bus, since the post in question was only one for the year 2022-23, we find that the case of the petitioner cannot be considered for the said year.

6. The present petition alongwith the pending application is accordingly disposed of.

(SURESH KUMAR KAIT)
JUDGE

(SAURABH BANERJEE)
JUDGE

SEPTEMBER 14, 2022/So