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

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Date of decision: 21.09.2022

+ W.P.(C) 13669/2022

GURBHINDER SINGH

..... Petitioner

Through: Mr. K.P. Jayaram and Mr. Pulkit
Agarwal, Advocates

versus

UNION OF INDIA AND ORS.

.... Respondents

Through: Mr. Tanveer Ahmed Ansari, Sr.
Panel Counsel with Mr. Hilal Haider,
Govt. Pleader
SI Prahlad and SI Amit, CISF

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

HON'BLE MR. JUSTICE SAURABH BANERJEE

J U D G M E N T (oral)

1. Vide the present petition, petitioner is seeking setting aside of the result of Review Medical Examination of the petitioner for the post of Head Constable (General Duty), CISF and all subsequent acts/proceedings for selection and appointment to the post of Head Constable (General Duty), CISF pursuant to Notification No. DAVP 19113/11/0005/2122 conducted by respondent No.2; and directions to the respondent No.2 to conduct the Re-medical of the petitioner and possible recommendation accordingly.
2. The case of the petitioner is that the petitioner had submitted his application dated 15.02.2022 and applied for the post in question through



‘Weight Lifting’ as sports quota in 109 kg weight category through proper channel before the respondent No.2.

3. Thereafter, the respondents issued an admit card in the name of the petitioner for sports trial wherein the recruitment centre was assigned to the petitioner was Jawahar Lal Nehru Stadium and the date of recruitment was 28.06.2022. Petitioner was contesting for the trial of weightlifting in 109 kg weight category and in the said sports trial, the petitioner outshined and gave an enthralling performance. On 28.07.2022, the respondents issued a list of provisionally selected candidates for medical examination for the post in question. Accordingly, the petitioner was called for Detailed Medical Examination on 12.08.2022. For appearing in the said Detailed Medical Examination for the recruitment of meritorious sportsmen and women in CISF against sports quota-2021, an admit card was also provided to the petitioner. Accordingly, on 12.08.2022, the petitioner appeared for the Detailed Medical Examination wherein the petitioner was declared unfit by the respondent No.2 due to the reasons as under:

- a) Left Tympanic Mebrane not visualize due to wax
- b) Pilondial Sinus
- c) Overweight

4. Being aggrieved, the petitioner preferred a Review Medical Examination which was to be held on 16.08.2022. As per the Clause 7 (f) (vi) of the notification no. DAVP 19113/11/0005/2122 the candidates are only entitled to apply for the Review Medical Examination in a span of 24 hours only and no review medical examination forms would be accepted pursuant to the said deadline.



5. It is further stated in the present petition that the Review Medical Examination was supposed to happen on 16.08.2022, however due to numerous candidates participating in the Review Medical Examination, the Review Medical Examination of some candidates including the petitioner was postponed to 22.08.2022. Subsequently, on 22.08.2022, the Review Medical Examination of the petitioner was conducted wherein the board reviewed the medical examination and further declared the petitioner unfit due to only 'Pilonidal Sinus' and 'Overweight'.

6. Learned counsel for respondents who is appearing on advance notice has informed this Court that the selection process for the post in question has already been completed and subsequently, all vacancies have been filled-up. Learned counsel for respondents has further informed this Court that the training of the candidates appointed on the aforesaid post is going on since 05.09.2022.

7. In view of above, we find that the petitioner has approached this Court belatedly. Moreover, the petitioner was declared unfit by the Medical Board and the Review Medical Board. Thus, he has missed the bus.

8. Accordingly, the present petition is dismissed.

(SURESH KUMAR KAIT)
JUDGE

(SAURABH BANERJEE)
JUDGE

SEPTEMBER 21, 2022/rk