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

% ***Date of decision: 18.01.2023***

+ **W.P.(C) 576/2023 & CM APPL. 2243/2023**

GAURAV

..... Petitioner

Through:

versus

UNION OF INDIA & ORS.

..... Respondents

Through: Mr.Manish Mohan, CGSC with
Mr.Chetanya Puri (GP), Adv.
Sh.Hemendra Singh, Deputy
Commandant (Law) BSF.

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT
HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

JUDGMENT (oral)

1. Vide the present petition, petitioner prays as under:

- a. *To quash the notification bearing no. A.3/Pers(Rectt)/SMT-WKSP/BSF/2021 dated 06.01.2023 declaring the final result for recruitment to the post of SI (Vehicle Mechanic) in respect of the Scheduled Caste(SC) Category involving only three candidates;*
- b. *To quash the letters bearing no. Recruitment/M.M.T./DG(HQ)/BSF/7051-53 dated 16.12.2022 and Recruitment/M.M.T./DG(HQ)/BSF/2023/44-46 dated 03.01.2023 wherein the petitioner's request for medical re-examination/reconsideration rejected.*
- c. *To quash the report dated 28.11.2022 of the review medical examination declaring the petitioner unfit on the basis of tattoo.*

- ...ice, has informed this Court that the vacancy in the post of the SI (Vehicle Mechanic) in respect of the SC category has been filled. The petitioner is making a claim, has already been filled. The petition deserves to be dismissed.
- ...of the submission of learned CGSC, present continuous.
- ...by make it clear that if the selected candidate does not join, in that case, the petitioner shall be considered fit for medical fitness on examination by the Medical Officer. That report would be final and binding upon the petitioner as well pending application, if any, stand disposed of.

(SURESH KUMAR KAIT)
JUDGE

(NEENA BANSAL KRISHNA)
JUDGE

JANUARY 18, 2023/ab