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

% *Date of decision: 18th May, 2023*

+ **W.P.(C) 6697/2023 & CM APPLs. 26220/2023, 26221/2023**

SUNNY KUMAR

..... Petitioner

Through: Mr. Rahul Sinha, Advocate.

versus

UNION OF INDIA & ANR.

..... Respondents

Through: Mr. Sushil Raja, Sr. Panel
Counsel with Mr. Anubhav
Kumar 2IC & Mr. Hemendra
Singh, DC (Law) BSF.

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

J U D G M E N T (oral)

1. *Vide* the present petition, the petitioner is seeking following reliefs:

“a.) Setting aside/Quashing the impugned ‘List of Candidate dt. 12.04.2023, Recommended Petitioner for Appointment to the post of Head Constable (Radio Mechanic) in Advt. dt. 20.08.2022 issued by the Respondents;

b.) direct Respondents to Appoint the Petitioner on the post of ‘Head Constable (Radio Mechanic) in his respective category as per their merit with all consequential benefits.”

2. Learned counsel on behalf of the respondents, on instructions, submits that the petitioner has cleared all the stages of selection process, namely, (i) Written Test; (ii) Physical Standard Test; (iii) Physical Efficiency Test; (iv) Documentation; and (v) Detail Medical Examination/Review Medical Examination.

3. Though the petitioner had applied for the said post in the Other Backward Caste (OBC) Category through Direct Entry, however, petitioner being the Government Official serving in Sashastra Seema Bal (SSB) on the Post of Constable (WC) at HQ 48th Battalion SSB, Jayanagar, Bihar, the respondents considered the petitioner as a candidate in the category of Departmental and declared him successful in the Written Test i.e., Phase-I. The petitioner scored 91.75 marks in the Written Test out of 200 marks in the category of Departmental. However, the cut-off marks in the category of Departmental for OBC Category was 76 marks.

4. Learned counsel for the respondents, on instructions, further submits that the marks of the last selected candidate in the Category of OBC through Departmental Entry are 159.75 out of total 200 marks.

5. Therefore, despite the petitioner clearing all the stages of the selection process could not be successful in making his name in the merit list of the selected candidates.

6. Considering the submissions made by the learned counsel for the respondents, we find no merit in the present petition, and the same is hereby dismissed along with pending applications.

(SURESH KUMAR KAIT)
JUDGE

(NEENA BANSAL KRISHNA)
JUDGE

MAY 18, 2023
S.Sharma

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