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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of decision: 23.02.2023

+ W.P.(C) 10749/2021

NVK R AKASH KUMAR

..... Petitioner

Through: Ms. Chhavi Yadav, Advocate.

versus

UNION OF INDIA & ORS.

.... Respondents

Through: Ms. Richa Dhawan, Sr. Panel Counsel
with Mr. Anuj Chaturvedi, Advocate
Mr. Rattan Negi, Deputy
Commandant with Mr. Manish
Kumar Singh, Commandant.

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. Pursuant to Order dated 23.09.2021, the respondents have produced the record whereby it is shown that in the first attempt in his batch, the petitioner, out of the 12 subjects, failed in 5 subjects. Thereafter, he was given an opportunity as per Rule 32 of Coast Guard Seniority and Promotion Rules, 1987 and in the second attempt with the next batch, he failed in 8 subjects out of 12 subjects. Accordingly, he was discharged from the service.

2. It is submitted by the learned counsel for the respondent, on

instructions, that there is no provision for third chance to be given to any of the candidate.

3. Learned counsel for the respondents submits that five candidates had failed in each attempt, therefore, there is no discrimination against the petitioner.

4. Learned counsel for the petitioner submits that the petitioner has not received any information regarding the subjects in which he has failed. However, the learned counsel for the respondents on instructions, submits that vide memorandum dated 17.09.2020, the same has been acknowledged by the petitioner.

5. Accordingly, the respondents are directed to communicate the results of both the attempts to the petitioner again and if the petitioner is still aggrieved, he may challenge the same before the appropriate forum.

6. In view of the above, the petition is disposed of.

(SURESH KUMAR KAIT)
JUDGE

(NEENA BANSAL KRISHNA)
JUDGE

February 23, 2023/PA