

07
12.12.2024
Ct. No. 11
Jayanta

MAT 2228 of 2024
with
IA No. CAN 1 of 2024
Union of India & Ors.
vs.
Tushar Singha & Ors.

Mr. Ashoke Kumar Chakraborty, Ld. ASG
Mr. Ramchandra Agarwal
Mr. Tapan Bhanja
Ms. Rashmi Botra

....For the Appellants.

Mr. Debasish Kundu

....For the Respondent No.1

The present appeal has been preferred by the Union of India and its functionaries challenging the orders dated 8th November, 2024 and 4th December, 2024 passed by the learned Single Judge in the writ petition being WPA 26715 of 2024.

By the order dated 8th November, 2024, the Inspector General, Central Reserve Police Force, Head Quarters being the appellant no. 3 herein was directed to permit the writ petitioner to participate in the Physical Efficiently Test (in short, PET), if the writ petitioner was otherwise eligible and the matter was made returnable on 19th November, 2024.

Subsequent thereto, an order was passed by the learned Single Judge on 4th December, 2024 directing the respondents in the writ petition to constitute a Board for PET by 12th December, 2024. It was further directed that *'till PET and if the petitioner is successful in PET, the Detailed Medical Examination (in short, DME)*

and the Review Medical Examination (in short, RME), if necessary, of the petitioner is not held, the respondents and each one of them should not publish the selection and/or merit list recommending the names of the selected candidates for being given appointment’.

Mr. Chakraborty, learned Additional Solicitor General appearing for the appellants submits that in view of the impugned orders, the selection process pertaining to 46617 candidates all over India would be affected and the selection process would be stalled causing extreme prejudice. Such argument, as advanced, was glossed over by the learned Single Judge and no finding was returned on the same. Such infirmity warrants interference in the present appeal.

In course of hearing Mr. Kundu, learned advocate appearing for the writ petitioner / respondent no. 1 herein submits, upon instruction, that the respondents in the writ petition have already complied with the directions of the learned Single Judge. The PET, the DME and the RME have also been held and the writ petitioner has emerged to be successful in the same. In view thereof, the writ petitioner’s name should be included in the final selection and/or merit list to be published.

Answering our query Mr. Chakraborty submits, upon instruction, that in the event, the writ petitioner emerges to be successfully in the PET, RME and DME,

his name shall be included in the final selection and/or merit list.

Since the respondents in the writ petition have complied with the impugned orders and held the PET, RME and DME in respect of the writ petitioner, there exists no hindrance towards publication of the selection and / or merit list. In the event the writ petitioner emerges to be successful in PET, RME and DME, his name shall be included in the merit list.

In the said conspectus, no further interference is called for in the present appeal.

With the above observations and directions, the appeal and the connected application are, disposed of.

There shall, however, be no order as to costs. Urgent photostat certified copy of this order, if applied for, be supplied to the parties, upon compliance of all requisite formalities.

(Partha Sarathi Chatterjee, J.) (Tapabrata Chakraborty, J.)