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

+ **W.P.(C) 1466/2024 & CM APPL. 6042/2024**

NAVEEN KUMAR

..... Petitioner

Through: Mr. Anupam Kumar Mishra, Adv.

versus

UNION OF INDIA & ANR.

..... Respondents

Through: Mr. Vivek Sharma, Sr. Panel Counsel
with Mr. Jitendra Kumar Tripathi,
G.P. for UOI

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

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01.02.2024

CM APPL. 6042/2024

Allowed, subject to just exceptions.

Application disposed of.

W.P.(C) 1466/2024

1. This petition has been filed by the petitioner with the following prayers:-

“a. Issue a Writ of Mandamus or any other appropriate Writ to direct the Respondents to declare the findings of the medical examination dated 14.03.2023 and also the reviewed medical examination dated 16.03.2023 as null and void.

b. Issue a Writ of Mandamus or any other appropriate Writ to direct the Respondents to recruit the Petitioner for the applied post.

c. Any other relief, order or direction this court may deem fit and proper under the facts and circumstances of this case.”



2. In substance, the challenge is to the findings of the medical examination dated March 14, 2023, and the review Medical Examination dated March 16, 2023.

3. At the outset, Mr. Vivek Sharma appearing for the respondents would submit that the challenge is to a Medical Examination held in respect of a recruitment taken place in the year 2022, whereas, a fresh recruitment has been held in the year 2023 and appointments have been made thereof. That apart, he submits that the petitioner had applied for the recruitment for the post of Head Constable (Radio Mechanic) under the General Quota and the marks secured by the last selectee were 168.5, whereas, the petitioner has secured 157.5 marks. His submission is, even assuming, the petitioner clears the Medical Examination, he cannot be appointed as he did not meet the cut off marks.

4. Noting the submission made by learned counsel for the respondents, we are of the view that in the facts of this case, the prayers as sought by the petitioner need not be gone into, the petition is dismissed.

V. KAMESWAR RAO, J

SAURABH BANERJEE, J

FEBRUARY 1, 2024/ds