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

+ **W.P.(C) 2468/2024, CM APPL. 10139/2024**

AMARJEET & ANR.

..... Petitioners

Through: Mr. Abhay Kumar Bhargava, Adv.

versus

UNION OF INDIA & ORS.

..... Respondents

Through: Mr. Anurag Ahluwalia, CGSC with
Mr. Kaushal Jeet Kait, GP Mr. Jatin
Yadav, Advocates for R-1 to 4 with
Mr. H. Singh, Dy. Comdt., BSF

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

20.02.2024

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

"It is, therefore, humbly prayed that this Hon'ble Court may please to allow this writ petition and may further be please to:

a. Issue a writ of certiorari or any other appropriate writ, order or direction, thereby calling the records and quash the impugned cadre review order dated 01.02 .2024 issued by the MHA.

b. Issue a writ of mandamus or any other appropriate writ, order or direction, thereby directing the respondents to create post of ASI/Pharmacist for promotion of the RC/Paramedic or upgradation to the rank of ASI/Pharmacist in BSF.

c. Issue a writ of mandamus or any other appropriate writ, order or direction, thereby directing the respondents to upgrade the petitioners to the post of ASI/Pharmacist in terms of the communication dated 15 .06.2018 issued by the DG NDRF and the RTI reply dated 06.11.2023 issued by the DM division MHA.

d. Pass any other order, this Court deems fit in the interest of Justice."

2. The prayers as made in the petition are the petitioners who are working as Head Constable Paramedic have no promotional channel to the post of ASI Pharmacist.



3. They have alternatively pleaded that the post of the petitioners as Head Constable Paramedics be upgraded to the post of ASI Pharmacist.

4. Mr. Ahluwalia, learned counsel for the respondents submits, the very foundation of the petition is misconceived in as much as the promotional channel of Head Constable Paramedic exists under the recruitment rules and also in terms of the notification issued on January 08, 2020 to the extent, 6% of the posts of ASI Pharmacist need to be filled from Head Constable Paramedic. Paragraph 2 of the notification issued by Ministry of Home Affairs dated January 08, 2020 reads as under:

“2. In the Border Security Force Combatised Para-Medical Staff Recruitment Rules, 2013 in the Schedule against serial number-7, relating to the post of Pharmacist (Assistant Sub Inspector-Qualified).-

(A) in column (2), for the figure and brackets "342(2012)", the figures and brackets "302*(2019)", shall be substituted;*

(B) in column (7), under the sub heading "Essential", for the words " Degree or Diploma". the words "Diploma as minimum qualification" shall be substituted :

(C) in column (10), for words, brackets and figures "By direct recruitment (including 10% from amongst Ex-serviceman)", the brackets, letters, figures and words

"(i) 06% by promotion failing which by direct recruitment;

(ii) 94% by direct recruitment (including 10% from amongst Ex-serviceman)" shall be substituted:

(D) in column (11), the following shall be inserted, namely:

“By promotion:

Head Constable (Paramedic) having five years regular service in level-4 (Rs.25500- 81100/-) in the pay matrix and being Medical Category SHAPE-I".



5. According to him, in view of the promotion channel available to the Head Constable Paramedic, no question arises for the petitioners to seek up-gradation of the post of Head Constable Paramedic to the post of ASI Pharmacist.
6. We agree with the last submission made by Mr. Ahluwalia.
7. We are of the view that no further adjudication is required on this petition. The petition is closed.

V. KAMESWAR RAO, J

SAURABH BANERJEE, J

FEBRUARY 20, 2024/So..