



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

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Date of decision: March 04, 2024

+ W.P.(C) 3189/2024 & CM APPLs. 13132/2024 & 13133/2024

(49) VIJAY SINGH YADAV

..... Petitioner

Through: Mr. Faiz Imam, Adv.

versus

UNION OF INDIA AND ANOTHER

..... Respondents

Through: Ms. Avshreya Pratap Singh Rudy,
SPC with Ms. Usha Jamnal, Adv.
along with SI Amit Kumar, CISF, SI
Prahlad, CISF and HC Sunil Kumar,
CISF

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

HON'BLE MR. JUSTICE SAURABH BANERJEE

V. KAMESWAR RAO, J. (ORAL)

CM APPL. 13133/2024

Allowed, subject to just exceptions.

Application disposed of.

W.P.(C) 3189/2024 & CM APPL. 13132/2024

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

*“i) Issue Direction/Order or Writ in the nature of
Mandamus or any other appropriate Writ or*



Direction/Order in the like nature to Respondent No.-2 thereby directing Respondent No.-2 to re-conduct the Skill Test (Typing Test) for the post of Head Constable (Ministerial) in CISF-2022 of Petitioner.

ii) Pass any other Direction/Order or Writ, which this Hon'ble Court deems fit and proper in facts and circumstances of the case and in the Interest of Justice, in favour of Petitioner.”

2. The challenge in this petition is primarily to the Skill Test (Typing Test) held for the post of Head Constable (Ministerial). The grounds of challenge are twofold, (1), the respondents have not provided proper infrastructure/facilities to enable the petitioner perform the skill test, and (2), the respondents have not given sufficient time for the petitioner to prepare for the Skill Test.

3. According to the counsel for the petitioner, by drawing our attention to the representation made by the petitioner, the keyboard which was provided to the petitioner was not functioning properly. The keys were very hard. That apart, the table on which the computer / keyboard were placed was not at a convenient height to enable the petitioner type with ease.

4. In substance, the submission is, because of the above two facts, the petitioner could not perform the skill test properly which resulted in his disqualification.

5. On the second ground, the submission of the learned counsel for the petitioner is that the candidates who appeared in the Skill Test



for the post of ASI (Stenographer) were given 30 days period to appear in the Skill Test whereas the petitioner was only given a week's time.

6. We are not in agreement with the pleas advanced by learned counsel for the petitioner, inasmuch as, the Skill Test was held on January 11, 2024, whereas the representation was made on February 17, 2024 after more than one month from the date of Skill Test.

7. We have been informed by the counsel for the respondents that the petitioner had appeared in the Skill Test in the 11th shift and no such difficulty was experienced by the candidates who appeared in the 10 shifts before the petitioner. That apart, she submitted that 8319 candidates had appeared in the Skill Test and 5511 have succeeded in the Skill Test. None of the candidates, who appeared in the Skill Test, had any grievance with regard to the manner in which the skill test was conducted.

8. We are clear that the petitioner has approached this Court as an afterthought. It appears the petitioner on realizing that he may not succeed in the Skill Test, aired his grievance on the facilities provided for conducting the Skill Test being not proper only on February 17, 2024, i.e., after almost one month. It is also clear that the petitioner was not a serious candidate seeking appointment; otherwise, he would have agitated his grievance on the facilities on 11th January 2024 itself or immediately thereafter. The fact that, no other candidate has raised any objection on the facilities provided for conducting Skill Test, the representation in that regard was clearly misconceived.

9. The plea of the learned counsel for the petitioner that the



petitioner was busy elsewhere also suggest that the challenge was an afterthought.

10. There is no merit in the petition. The writ petition and connected application are dismissed.

V. KAMESWAR RAO, J

SAURABH BANERJEE, J

MARCH 04, 2024/ds