



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

% Date of decision: April 9, 2024

+ W.P.(C) 5155/2024 & CM Appls. 21099/2024, 21377/2024

(60) GANAPA KALYAN KUMAR Petitioner
Through: Mr. Abhinay Sharma and Ms. Kirti Vyas, Advs.

versus

INDIAN COAST GUARD & ORS. Respondents
Through: Mr. Syed Abdul Haseeb, CGSC with
Mr. Hilal Haider, G.P.

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO
HON'BLE MR. JUSTICE SAURABH BANERJEE

V. KAMESWAR RAO, J. (ORAL)

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

- “a) Issue an appropriate writ, order, or direction thereby setting aside/holding the action of the Respondents whereby the Petitioner was disallowed to participate in Stage-II being illegal, arbitrary, and violative of Articles 14, 16, and 21 of the Constitution of India, 1950; and/or*
- b) Consequentially, issue an appropriate writ, order, or direction, directing the Respondents to conduct Stage-II examination for the Petitioner subject to completion of all necessary formalities as per the procedure and; and/or*
- c) In the alternative to prayer (b), issue an appropriate writ, order, or direction directing the Respondents to induct the Petitioner in the subsequent batch subject to completion of all necessary formalities as per the procedure and; and/or*



*d) Allow the present writ petition with exemplary compensation, costs, and litigation expenses in favor of the Petitioner; and
e) Pass any such other or further orders as this Hon'ble Court may deem fit and proper in the interest of justice and in favor of the Petitioner."*

2. In effect, the case of the petitioner is that the petitioner had applied for the post of Navik (General Duty) in the Indian Coast Guard, pursuant to the advertisement dated September 08, 2023. The petitioner had qualified Stage-I exam and was to appear in Stage-II exam. It is the case of the petitioner that the petitioner was not allowed to enter the Examination Centre for Stage-II exam on the ground that the name of the petitioner has been spelt as "Ganapa Kalayan Kumar" in his OBC Certificate dated February 07, 2023 whereas his actual name was "Ganapa Kalyan Kumar". It is conceded case of the petitioner that the petitioner was to appear in the examination on January 09, 2024. It is also the case of the petitioner that the Stage-II exam was held for four days i.e., between January 09, 2024 to January 12, 2024.

3. The counsel for the petitioner submits that on January 10, 2024, the petitioner had sent an email to the respondents for not allowing the petitioner to sit in the Stage-II exam but no response to the same was given.

4. This petition has been filed on April 05, 2024, i.e., almost after three months from the date when the petitioner was to sit for the exam. We have been informed that after Stage-II even Stage-III examination is underway. In other words, the relief the petitioner is claiming is that he should be allowed to sit for Stage-II examination by directing the respondents to conduct the Stage-II examination separately for him.

5. We are afraid that such a prayer cannot be granted, more so, when the petitioner after January 09, 2024, had three more days to approach the Court



seeking an appropriate direction, as is being sought by the petitioner today before us.

6. The petition is hit by delay and laches. No prayer as stated by the petitioner can be granted at this stage when the Stage-III Examination is underway.

7. The learned counsel for the petitioner has relied upon the judgment of the Co-ordinate Bench of this Court in the case of *Ahire Ajinkya Shankar v. Indian Coast Guard & Ors. W.P.(C) 11857/2023* decided on *September 14, 2023*.

8. Suffice to state that the said judgment is distinguishable on facts, more so, in view of our conclusion in this case that the petitioner having approached this Court after almost three months, from the date of cause of action, it is too late in the day for this Court to grant the relief as being sought by the petitioner in this petition.

9. The petition along with pending applications are dismissed.

V. KAMESWAR RAO, J

SAURABH BANERJEE, J

APRIL 09, 2024/ds