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

+ W.P.(C) 6443/2019

DR. NIRBHAY KUMAR AND ORS.Petitioners

Through: Mr. Ankur Chhibber & Mr. Nikunj
Arora, Advs.

versus

UNION OF INDIA AND ORS.Respondents

Through: Mr. Harish Vaidyanathan Shankar,
CGSC with Mr. Srish Kumar Mishra,
Mr. Alexander Mathai Paikaday,
Advs.

+ W.P.(C) 10415/2019 & CM APPL.10063/2020

HARI KANT SHARMA & ORS.Petitioners

Through: Mr. Ankur Chhibber & Mr. Nikunj
Arora, Advs.

versus

UNION OF INDIA AND ORS.Respondents

Through: Ms. Saroj Bidawat, SPC for UOI.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MS. JUSTICE SHALINDER KAUR

ORDER

14.08.2024

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1. By way of the present petition under Article 226 of the Constitution of India, the petitioners, who were rendering service in the Border Security Force (BSF) Polytechnic, Tigri, Delhi/respondent no.4, have approached this Court assailing the order dated 05.03.2019 issued by respondent no.2



whereby directions were issued to close respondent no.4, leading to dispensation of their services.

2. Taking into account that during the pendency of the present petitions, the respondent no.4/Institute already stands closed, the petitioners had on the last date prayed that based on their long and blemishless service, they be adjusted in other BSF Polytechnics.

3. Pursuant to this plea of the petitioners, the respondents were directed to file an additional affidavit. The said affidavit has been filed stating therein that there are no vacancies in the BSF Polytechnic, Tekanpur which is the only BSF Polytechnic being run by the respondents.

4. Learned counsel for the petitioners submits that even though the respondents have filed an affidavit, however, contends that the factual position is otherwise as appointments are being made on a regular basis in the BSF Polytechnic at Tekanpur. He, therefore, prays that the respondents be directed to accommodate the petitioners in the BSF Polytechnic, Tekanpur.

5. Though learned counsel for the respondents refutes this position, we are of the view that taking into account the fact that these petitions have remained pending before this Court since 2019, the same can be given a quietus by directing that in case the respondents issue any advertisement in the next six months for appointment of staff in the BSF Polytechnic, Tekanpur, the petitioners will be at liberty to apply for the same. In view of their long service at the BSF Polytechnic, Tigri, the respondents will grant them age relaxation for the number of years they had already served at Tigri and will also give them preference over fresh candidates, subject to their meeting all other eligibility criteria.



6. Further in view of the petitioners' plea that an advertisement had been recently issued in this regard, in response where to the petitioners could not apply being overage, we direct that if any advertisement inviting applications for recruitment of staff in the BSF Polytechnic, Tekanpur had been issued in the last two months and appointments pursuant thereto have not yet been made, the petitioners will be entitled to apply for the same as well and they will be granted the same relaxation as directed hereinabove.
7. The petitions are, accordingly, disposed of, with the aforesaid directions.

REKHA PALLI, J

SHALINDER KAUR, J

AUGUST 14, 2024/ab