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

+ W.P.(C) 7151/2024, CM APPL. 29806/2024

AMIT KUMAR GUPTA AND ANR

..... Petitioners

Through: Mr. Rajat Arora, Mr. Niraj Kumar,
Mr. Sourabh Mahla and Mr. Sneh
Vardhan, Advs.

versus

UNION OF INDIA AND ANR

..... Respondents

Through: Mr. Sanjib Kr. Mohanty, Sr. Panel
Counsel with Mr. Tarven Singh
Nanda, Govt. Pleader with Kamlesh
Rani, Dy. JAG and Mr. Manjeet Kr.
Yadav, CT/GD

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

HON'BLE MR. JUSTICE RAJNISH BHATNAGAR

ORDER

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20.05.2024

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

“It is therefore most respectfully prayed that the Hon'ble may be pleased to:

(a) issue of writ of mandamus or any other appropriate writ/direction/order to allow the petitioners relaxation in age while considering the upper age limit of 35 years as on 1st of January 2023 qua the petitioners for appearing in the examination for the post of Assistant Commandant (GD) through the LDCE-2023 in terms of the advertisement dated 8th April 2024.

(c) Pass any other further order/direction as the Hon'ble Court may deem fit and proper in the facts and circumstances of the present case.”



2. In fact, the petitioners are seeking relaxation in the upper-age limit fixed in the advertisement issued by the respondents. The advertisement issued by the respondents would state that the upper age limit shall be 35 years to be seen as on August 1, 2023.

3. The submission of Mr. Rajat Arora, learned counsel appearing for the petitioners is that the respondents have undertaken a combined selection process for the vacancies of 2018 (1 vacancy), 2019 (0 vacancy), 2020 (1 vacancy), 2021 (1 vacancy) and 2022 (0 vacancy), but the petitioners could not get selected because of lack of vacancies and the fact, the selection could not take place in the year the vacancies arose. The petitioners last attempt was in 2022, when all vacancies were cancelled, as such prejudice has been caused to them.

4. We are unable to agree with the said submission, when admittedly in 2022, the petitioners had appeared in the selection process though in that year all the vacancies of different years (2018-1 vacancy, 2019-0 vacancy, 2020-1 vacancy and 2021-1 vacancy) were clubbed together. So, in that sense, the petitioners were assessed for vacancy of a particular year.

5. It is the submission of Mr. Arora that, though 18 vacancies were notified in the year 2022, but they were cancelled. On a specific query to Mr. Arora, did the petitioners challenge the action of the respondent ITBP cancelling the vacancies, the answer is in the negative. So, it follows no prejudice has been caused to the petitioners, as the petitioners had participated though in one single examination process in the year 2022, but for vacancy(ies) of a particular year.

6. We are of the view that the petition lacks merit. The same is



dismissed.

CM APPL. 29806/2024

Dismissed as infructuous.

V. KAMESWAR RAO, J

RAJNISH BHATNAGAR, J

MAY 20, 2024/jg