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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 13300/2023, CM APPL. 52492/2023**
SUNIL KUMAR

..... Petitioner

Through: Mr. A.K. Trivedi and
Ms. Prathana, Advs.

versus

UNION OF INDIA & ANR.

..... Respondents

Through: Mr. Siddharth Khatana, Sr. PC with
Mr. Mimansak Bhardwaj, GP for UOI
with Hemandra Dy. Commandant
(BSF)

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

31.01.2024

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

“In view of the facts and legal submissions made above, the petitioners most respectfully pray that this Hon'ble court may graciously be pleased to:

(a) Quash/set aside the Rejection Slip dated 18/05/2023 declaring as illegal and arbitrary in eliminating the candidature of the petitioner in in Medical examination due to Scar upon removal of Tattoo on anterior surface of right forearm (Saluting Arm).

(b) Direct the respondents to conduct a fresh Medical Board and medically examine the petitioner a fresh and if the petitioner is found fit, he may be considered and given appointment for the post of Constable (Barber) in the BSF with all consequential benefits.

(c) Issue a writ of Mandamus or any other



*writ/directions/orders as may be deemed fit and proper in the facts and circumstances of the case.
(d) Award Cost.”*

2. Mr. Siddharth Khatana, learned Senior Counsel appearing for the respondents would submit that the prayers as made in the petition cannot be granted for the reason that one post of Constable (Barber) in Board Security Force under the OBC category has been filled way back in the month of July 2023 and the person concerned has also joined the post.
3. If that be so, Mr. A.K. Trivedi, learned counsel for the petitioner states that he shall withdraw the petition by reserving the right of the petitioner to challenge the appointment made to the post in question by seeking such remedy as available in law.
4. At this stage, Mr. Khatana states that the petitioner shall be informed the marks he has secured in the examination process within three weeks from today.
5. The petition and connected application are dismissed as withdrawn.

V. KAMESWAR RAO, J

SAURABH BANERJEE, J

JANUARY 31, 2024/aky