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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 15896/2023

RAMESH KUMAR

.....Petitioner

Through: Mr.Abhay Kumar Bhargava, Adv.

versus

UNION OF INDIA & ORS.

.....Respondent

Through: Mr.Vikas Kumar Sharma, SPC with
Mr.Rishav Dubey, GP.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

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13.09.2024

1. By way of the present petition under Article 226 of the Constitution of India, the petitioner, who is aspiring to join the Indo Tibetan Border Police as a Constable(Tradesman)/cobbler and claims to be belonging to Other Backward Castes(OBC) category, has approached this Court seeking a direction to the respondents to treat his application for recruitment to the said post, submitted in September, 2022, as being under the OBC category and not under the Unreserved category(UR), under which he had admittedly applied.
2. Learned counsel for the petitioner submits that the petitioner upon realising that he had wrongly applied under the UR category, submitted an application to the respondents on 23.11.2023 requesting that he be treated as an OBC candidate, but has received no response to his application, compelling him to approach this Court. He submits that since the final result for selection to the aforesaid post is yet to be



declared, the respondents be directed to change the category of the petitioner from UR category to OBC category, to which category he actually belongs.

3. Learned counsel for the respondents, who appears on advance notice, seeks dismissal of the writ petition by contending that once it was clearly specified in the advertisement that no change of category would be permitted after the application is submitted, the petitioner's prayer cannot be accepted at this stage. Furthermore, the petitioner, he submits, has approached this Court after an inordinate delay and is seeking change of category at this belated stage when the result has already been finalised. He, therefore, contends that the petition is liable to be dismissed on this ground alone.
4. Without prejudice to his aforesaid submissions, learned counsel for the respondent submits on instructions that the petitioner's name has already been included in the merit list for appointment under the UR category, but no offer of appointment can be issued to him till verification report of his biometric particulars is received by the Central Forensic Science Laboratory(CFSL).
5. In the light of this stand taken by the respondents, learned counsel for the petitioner does not press the present petition, but seeks liberty to approach the respondents for change of category, after he is appointed, if the need so arises.
6. The writ petition is, accordingly, dismissed as not pressed with liberty as prayed for making it clear that this Court has not expressed any opinion as to whether the petitioner would be entitled to seek a change of category after his appointment. It will, therefore, be open for the



respondents to consider any such application made by the petitioner on its own merits.

REKHA PALLI, J

SACHIN DATTA, J

SEPTEMBER 13, 2024/sr