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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 7/2024, CM APPL. 38/2024**
HARGYAN SINGH

..... Petitioner

Through: Mr. Sameer Khan and
Mr. Akhil Saini, Advs.

versus

UNION OF INDIA & ORS.

..... Respondents

Through: Ms. Uma Prasuna Bachu, Sr. PC for
UOI with Mr. Saurav Kumar, AC
(CRPF)

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

08.01.2024

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

*“(a) To quash and set aside the impugned action or Memorandum Unfit dated 19.12.2023 of the Petitioner as issued by the Respondent No. 4 to 6;
(b) To issue a writ or direction or order in nature of mandamus by directing the respondent no. 2 and 3 to convene a freshly constituted Medical Board and re-examine the petitioner and consider his candidature for the post of a Head Constable (Ministerial) and be offered an appointment, in interest of justice;
(c) Pass such further order(s) as this Hon'ble Court deems fit and proper in the facts and circumstances of the case.”*

2. In effect, the case of the petitioner is that the ground on which his candidature for appointment to the post of Head Constable (Ministerial) was cancelled, i.e., incomplete removal of religious Om Tatto on his right hand (ventral and dorsal aspect) is not sustainable today as, the Tattoo has been completely removed. He can satisfy the respondents in that regard.



3. On the other hand, learned counsel for the respondents states that as per her instructions, since the Medical Board and Review Medical Board have rejected the case of the petitioner on the aforesaid ground, no further opportunity can be given to the petitioner to satisfy the removal of Tattoo.

4. Though, the submission of the learned counsel for the respondents appears to be justified but given the ground on which the candidature has been cancelled, and it is the case of the petitioner that the Tattoo has been completely removed, we deem it appropriate to direct the respondents to consider the present petition as a representation on behalf of the petitioner for re-consideration of his case and dispose of the same by a speaking and reasoned order as per law. To satisfy the respondents that the Tattoo has been completely removed, the petitioner shall appear before the concerned Officer. In this regard, the respondents shall inform the date, time and the name of the Officer / Designation before whom the petitioner need to appear. If the respondents are satisfied that the Tattoo has been completely removed, and the petitioner is eligible for appointment, further action with regard to his appointment shall be taken within a period of four weeks thereafter.

5. With the above, the writ petition is disposed of.

CM APPL. 38/2024

Dismissed as infructuous.

V. KAMESWAR RAO, J

SAURABH BANERJEE, J

JANUARY 08, 2024/aky