



2024:DHC:9993-DB



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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
*Date of decision: 23.12.2024*

+ **W.P.(C) 17744/2024**  
**VINAY GAUTAM**

.....Petitioner

Through: Mr.Abhay Kaushik, Ms.Himani  
Babbar, Advs.

versus

**UNION OF INDIA & ORS.**

.....Respondents

Through: Mr.Nirvikar Verma, SPC with  
Mr.Aakash Meena, with  
Mr.Ajay Pal, Law Officer,  
CRPF and Mr.Ramniwas  
Yadav, CRPF.

**CORAM:****HON'BLE MR. JUSTICE NAVIN CHAWLA****HON'BLE MS. JUSTICE SHALINDER KAUR****NAVIN CHAWLA, J. (Oral)****CM APPL. 75500/2024(exemption)**

1. Allowed, subject to all just exceptions.

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2. This petition has been filed by the petitioner, challenging the Detailed Medical Report dated 21.11.2024 and the Review Medical Report dated 22.11.2024, declaring the petitioner unfit for appointment in the Physical Standard Test (in short, 'PST') (due to CPIV and Overweight) in the selection process for the post of Constable Driver in the Recruitment Procedure for CT (Technical/ Tradesmen, Pioneer & Ministerial) -2023.

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3. The petitioner has applied for the said post pursuant to the Notice dated 15.03.2023 issued by the respondents. Clause 18 of the said advertisement reads as under:

*“18 **Court’s Jurisdiction:** Any dispute in regard to this recruitment will be subject to courts having jurisdiction over the place of concerned of the Examination Centres where the candidate has appeared for the CBT.”*

4. Admittedly, the petitioner has not appeared for the Computer Based Examination in Delhi. His PST was also not conducted in Delhi.
5. This Court, on an objection of the respondents for lack of territorial jurisdiction for adjudicating a petition raising a similar issue, in its Order dated 25.07.2024 passed in W.P.(C) 8480/2024, titled ***Uttam Kumar v. Union of India Through Its Secretary and Others***, has held as under:

*“8. Having considered the submissions of learned counsel for the parties and perused the record, we are of the considered view that once the advertisement pursuant to which the petitioner had applied contained as pecific clause providing for territorial jurisdiction of the Court/Tribunal situated in the area where the test was held.*

*9. The petitioner cannot now be permitted to argue that the clauses mentioned in the advertisement are not binding on him. We are, therefore, of the opinion that this Court does not have territorial jurisdiction to entertain the present writ petition. The writ petition is, accordingly, disposed of, by granting liberty to the petitioner to approach the Court having territorial jurisdiction.”*



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6. Being bound by the above Judgment, we dispose of the present petition, reserving the liberty of the petitioner to approach the Court of competent jurisdiction.

**NAVIN CHAWLA, J**

**SHALINDER KAUR, J**

**DECEMBER 23, 2024**  
**RN/DG**

*Click here to check corrigendum, if any*