



2025:DHC:1597-DB



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IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of decision: 11.03.2025

+ W.P.(C) 3102/2025

DR. DEEPAK PRASAD

.....Petitioner

Through: Mr.Shrey Yadav, Mr. Mayank
Yadav, Mr.Pradumn Gautam
and Mr.Ravi Singh Verma,
Advocates.

DC/JAG Deepti Man and
DC/GD Sandeep

versus

**INDO-TIBETAN BORDER POLICE FORCE THROUGH ITS
DIRECTOR GENERAL & ANR.**

.....Respondents

Through: Ms. Shagun S. Chugh,
Advocate.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MR. JUSTICE TEJAS KARIA

NAVIN CHAWLA, J. (Oral)

CM APPL. 14674/2025 (Exemption)

1. Allowed, subject to all just exceptions.

W.P.(C) 3102/2025 & CM APPL. 14673/2025

2. This petition has been filed by the petitioner praying for the
following relief:

*“a) Pass any appropriate writ/order/direction
to direct Respondent No.1&2 to provide age
relaxation to the petitioner by relaxing 03
months and 12 days as a one-time measure
and allow him to participate in the selection
process without being barred for being*



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overage as per the impugned advertisement (M.O.S.B-2024).

b) Pass any appropriate writ/order/direction to direct Respondents to allow Petitioner to appear for the interview scheduled on 12.03.2025 for the post of Medical Officers (Assistant Commandant)."

3. It is the case of the petitioner that the petitioner is a qualified doctor currently employed as Medical Officer on contractual basis with Neyveli Uttar Pradesh Power Ltd. He belongs to the Other Backward Class (Non-creamy Layer Category). The respondent No. 1 issued an advertisement in December, 2024 inviting applications for appointment to Group 'A' posts of Super Specialist Medical Officers (Second-in-Command), Specialist Medical Officers (Deputy Commandant), and Medical Officers (Assistant Commandant) in the Central Armed Police Forces (BSF, CRPF, ITBP, SSB) & Assam Rifles.

4. As far as the age criteria is concerned, paragraph 4 of the advertisement stated that for the post of Medical Officer (Assistant Commandant), the age of the candidate should not exceed 30 years on the date of closing of the application. Clause 4(iv)(b) of the advertisement further provided for a maximum of 3 years of relaxation in the age limit for OBC (Non-creamy Layer) candidate. The petitioner unfortunately was 03 months and 12 days over-age.

5. The petitioner has filed the present petition praying that he be allowed to participate in the selection process and not be debarred from the same on the ground of being over-aged.

6. The learned counsel for the petitioner submits that the cut-off



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age limit prescribed in the advertisement is arbitrary and whimsical. He further submits that in 2023, no vacancies were advertised by the respondent, thereby making the petitioner over-age for applying pursuant to the advertisement in question. He submits that in such circumstance, the age limit prescribed in the advertisement is liable to be relaxed. In support of his submission, he has placed reliance on the Judgement of the Division Bench of this Court in ***Sachin & Ors. v. CRPF & Ors.***, 2023 SCC OnLine Del 1545.

7. We have considered the submissions made by the learned counsel for the petitioner, however, find no force in the same.

8. As far as the age limit is concerned, apart from contending that it is arbitrary, the petitioner has shown no reason for the said submission.

9. With respect to the submission of the learned counsel for the petitioner that the respondent did not advertise the said post for the year 2023 because of which the petitioner has now been barred by age from applying, again the same is bereft of any merit and does not deserve acceptance. It is not the case of the petitioner that the recruitment process was not carried out in the year 2023 due to some *mala fide* reason.

10. As far as the reliance of the petitioner on the Judgement in ***Sachin & Ors.*** (supra) is concerned, the respondent in the said case had not conducted an examination for recruitment to the post of Head Constable (Ministerial) for the years 2017, 2018, 2019, 2020 and 2021, that is, for a period of 5 years in succession. The learned



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counsel for the respondents, who appears on advance notice, has brought to our attention that in the present case, the petitioner had applied for the post advertised in the year 2020, 2021 and 2022, however, had not been successful in the said selection process. Therefore, the Judgement of this Court in *Sachin & Ors.* (supra) cannot come to the aid of the petitioner.

11. For the reasons stated above, we find no merit in the present petition. The same is dismissed. The pending application also stands disposed of.

NAVIN CHAWLA, J

TEJAS KARIA, J

MARCH 11, 2025

Sc/pr/VS

Click here to check corrigendum, if any