
(2018) 03 DEL CK 0246

In the Delhi High Court

Case No : Civil Writ Petition No. 6399 Of 2017

Ct/Gd Mazhar Raja

APPELLANT

Vs

Union Of India And Ors

RESPONDENT

Date of Decision : 19-03-2018

Acts Referred:

Citation : (2018) 03 DEL CK 0246

Hon'ble Judges : Hima Kohli, J;Pratibha Rani, J

Bench : Division Bench

Advocate : Ujjwal Pandey, Waize Ali Noor, Kirtiman Singh

Final Decision : Dismissed

Judgement

1. The petitioner seeks directions to the respondents/CRPF to consider his case for appointment to the post of SI/GD through Limited Departmental Competitive Examination, 2014 (in short, "LDCE") with all consequential benefits.

2. A brief glance at the facts of the case is considered necessary. On 01.05.2004, the petitioner was inducted in the CRPF as Constable/GD in the General category. In June, 2010, the respondents issued SO No.01/2010, proposing to conduct LDCE for appointment to the post of SI/GD in the CRPF. In October, 2011, the aforesaid SO was amended vide Addendum dated 11.10.2011, indicating some changes in the procedure of conducting the LDCE and vide Signal dated 02.12.2011, it was directed that there shall be no separate reservation of vacancies for the OBC candidates for appointment to the subject post through LDCE. The petitioner submitted his application through proper channel for participating in the LDCE. He qualified in the written examination as also in the subsequent stages of the selection process, i.e., physical standard test, physical efficiency test, checking of testimonial service records and medical examination. When the results of the LDCE were declared, the petitioner did not find his name in the list of selected candidates. Instead of taking immediate steps to seek legal recourse, the petitioner kept on submitting one representation after the other to

the respondents and finally, approached this Court by filing the present petition in July, 2017.

3. A counter affidavit in opposition to the present petition has been filed by the respondents, who have stated that vide Notification dated 23.07.2014, the Director General, CRPF had invited applications for selection to the post of SI/GD through LDCE, 2014. The number of vacancies that were advertised were as below:-

"MALE: i) Gen/OBC Candidate = 98 ii) SC candidate = 19 iii) ST candidate = 10
TOTAL = 127

FEMALE: i) Gen/OBC Candidate = 07 ii) SC candidate = 01 iii) ST candidate = 01
TOTAL = 09"

4. The petitioner had applied for the aforesaid post and had qualified various phases of the examination. On the results of the written examination being declared, it transpired that the petitioner had secured 128 marks, the breakup whereof is as below:-

"Part-I - 36

Part-II - 26

Part-III - 28

Part-IV - 38

Total 128"

5. Learned counsel for the respondents submits that although the petitioner had qualified in all the stages of the examination, since the last selected candidate to the post of SI/GD had secured 139 marks, the petitioner could not be selected to the subject post, having secured only 128 marks. It is for the said reason that the petitioner was not declared as a successful candidate by the respondents. Learned counsel additionally submits that a preliminary objection has been taken in the counter affidavit with respect to the maintainability of the present petition on the ground that the petitioner has approached the Court for relief after a gap of almost three years reckoned from the date the examinations were conducted without any just and sufficient cause offered by him for the said delay.

6. Learned counsel for the petitioner rebuts the aforesaid arguments by stating that the petitioner had constantly been corresponding with the respondents to know the reasons for exclusion of his name from the list of successful candidates in the LDCE and the last representation addressed by him to the respondents was on 10.08.2016, but he did not get any reply.

7. It is apparent from the facts narrated above that the first date when the cause of action had arisen in favour of the petitioner to approach the Court for relief was when the answer key of the written test dated 28.09.2014 of the LDCE, 2014 was uploaded on the CRPF's website and the candidates, whose names

were found placed in the final merit list, were duly informed of their status to enable them to complete post selection formalities and the petitioner found that his name was not mentioned in the said list. Assuming that the petitioner was corresponding with the respondents all along to know his position in the examination, at best, he could have waited for a period of six months to one year. However, the petitioner did not take any steps for all of three years to approach the Court for relief, which cannot be treated as a reasonable period in the given facts of the case.

8. Even on merits, having regard to the averments made by the respondents in the counter affidavit, wherein it has been clearly stated that though the petitioner had qualified in the written examination and all the subsequent stages right upto his medical examination, he could not find any place in the final merit list of LDCE, having secured 128 marks in the written examination, whereas the last selected candidate had secured 139 marks, this case does not deserve any interference.

9. In view the aforesaid facts, we do not find any justification for granting any relief to the petitioner. The present petition is accordingly dismissed as devoid of merits, with no orders as to costs.