

(2023) 01 DEL CK 0099

In the Delhi High Court

Case No : Civil Writ Petition No. 576 Of 2023, Civil Miscellaneous Application No. 2243 Of 2023

Gaurav

APPELLANT

Vs

Union Of India & Ors.

RESPONDENT

Date of Decision : 18-01-2023

Acts Referred:

Citation : (2023) 01 DEL CK 0099

Hon'ble Judges : Suresh Kumar Kait, J; Neena Bansal Krishna, J

Bench : Division Bench

Advocate : Manish Mohan, Chetanya Puri, Hemendra Singh

Final Decision : Disposed Of

Judgement

1. Vide the present petition, petitioner prays as under:

a. To quash the notification bearing no. A.3/Pers(Rectt)/SMT-WKSP/BSF/2021 dated 06.01.2023 declaring the final result for recruitment to the post of SI (Vehicle Mechanic) in respect of the Scheduled Caste(SC) Category involving only three candidates;

b. To quash the letters bearing no. Recruitment/M.M.T./DG(HQ) /BSF/7051-53 dated 16.12.2022 and Recruitment/M.M.T./ DG(HQ)/BSF/2023/44-46 dated 03.01.2023 wherein the petitioner's request for medical re-examination/reconsideration rejected.

c. To quash the report dated 28.11.2022 of the review medical examination declaring the petitioner unfit on the basis of tattoo.

d. To direct the respondents to re-constitute Medical Board to re-examine the petitioner a fresh in respect of the tattoo got removed by him surgically from the dorsum of his right hand and submit the report accordingly on the basis of fresh examination.

e. To direct the respondents to appoint the petitioner to the post of SI (Vehicle

Mechanic) under the category of Scheduled Caste (SC) on the basis of the fresh report received from the reconstituted Review Medical Examination Board.

2. Notice issued.

3. Mr. Manish Mohan, learned Central Government Standing Counsel, on advance notice, has informed this Court that the vacancy in question in the category of the SI (Vehicle Mechanic) in respect of the SC category for which the petitioner is making a claim, has already been filled up, therefore, the present petition deserves to be dismissed.

4. In view of the submission of learned CGSC, present petition has become infructuous.

5. We hereby make it clear that if the selected candidate in the SC category does not join, in that case, the petitioner shall be considered for the post, subject to medical fitness on examination by the Medical Board of RR Hospital and that report would be final and binding upon the parties.

6. Petition as well pending application, if any, stand disposed of. terms.