

(2017) 11 DEL CK 0174

In the Delhi High Court

Case No : Civil Writ Petition No. 10507, 10509 Of 2017, Civil Miscellaneous Application No. 43005, 43006, 43011, 43012 Of 2017

Gopal Saini & Ors

APPELLANT

Vs

Union Of India And Anr.

RESPONDENT

Date of Decision : 27-11-2017

Acts Referred:

Citation : (2017) 11 DEL CK 0174

Hon'ble Judges : Hima Kohli, J; Rekha Palli, J

Bench : Division Bench

Advocate : Sanjeev Anand, Pallav Kumar, Dibya Nishant, Gautam Mann, Archana Gaur, Ridhima Gaur, Anil Dabas

Final Decision : Dismissed

Judgement

1. The petitioners have filed the present petitions praying inter alia for issuing a writ of mandamus to the respondents/BSF to conduct a re-examination

of the typing test that they had undertaken during the second phase of the recruitment to the post of Head Constable (Ministerial) in BSF 2016-17 and

thereafter, declare them as successful.

2. The brief facts of the case are that in November, 2016, the respondent No.2/BSF had issued an advertisement inviting applications for recruitment

to the post of Head Constable (Ministerial). As the petitioners fulfilled all the eligibility criteria, they had applied for the said post by submitting

applications. On 23.04.2017, the petitioners had appeared in the written examination test conducted by the respondents. The results were declared on

03.08.2017, wherein the petitioners were declared as successful. On 13.08.2017, the respondent No.2/BSF had issued call letters to the petitioners,

calling upon them to undergo a typing test on 11.09.2017, for which they

reported at 32 Bn. BSF, Sirsa Road, Hisar, Haryana at 8 AM.

3. Mr. Anand, learned counsel for the petitioners states that during the aforesaid typing test, the petitioners were not permitted to use their own

keyboard and mouse, though the call letters had permitted the candidates to bring their own keyboard and mouse for the typing test. After the results

of the typing test were declared, the petitioners found that they were not successful, having failed. After a gap of almost one month, on 10.10.2017,

the petitioners filed their representations before the respondent No.2/BSF, requesting that they be permitted to sit for a re-examination of the typing

test as they were not allowed to use their own keyboard and mouse.

4. We have enquired from learned counsel for the petitioners as to whether any protest in this regard was lodged by the petitioners on the date of the

examination itself, i.e., on 11.09.2017, or the very next day or within a week from 11.9.2017. He concedes that no such protest was lodged by the

petitioners on 11.09.2017 or even thereafter, till as late as on 10.10.2017.

5. We are of the opinion that the present petitions are highly belated. If the petitioners had a genuine grievance, they ought to have lodged a protest

with the respondent No.2/BSF at the spot or at least within a reasonable time from the date of the examination. That not being the position, we are not

inclined to entertain the present petitions, wherein the petitioners seek re-examination of the typing test at this belated stage. The prayer made in the

petitions is declined.

6. The petitions are dismissed in limine, alongwith the pending applications.