
(1988) 08 P&H CK 0001
In the Punjab And Haryana At Chandigarh
Case No : Civil Writ Petition No. 6730 of 1986

Satinder Pal Singh

APPELLANT

Vs

Union of India (UOI)

RESPONDENT

Date of Decision : 26-08-1988

Acts Referred:

Constitution of India, 1950 — Article 226, 227

Citation : (1988) 1 ILR (P&H) 466

Hon'ble Judges : M.R. Agnihotri, J

Bench : Single Bench

Advocate : Pawan Baasal, for the Appellant; R.S. Chahar, for the Respondent

Final Decision : Allowed

Judgement

M.R. Agnihotri, J.—Petitioner Satinder Pal Singh qualified the Combined Defence Services Examination conducted by the Union Public Service Commission in May, 1985, and was accordingly recommended for training for 43 S.S.C. (N.T.) Course at O.T.S. Madras. However, when the Petitioner was medically examined by the Special Medical Board at Bangalore, he was declared medically unfit on 10th January, 1986, due to some minor ailment of ear. The Petitioner preferred an appeal against the finding of the Special Medical Board, but on 20th March, 1986, the Medical Board at Army Hospital, Delhi Cantt., also agreed with the finding of the Special Medical Board at Bangalore. Thereafter the Petitioner preferred a review petition for convening the Review Medical Board, and the Review Medical Board, after examining the Petitioner on 17th November, 1986, declared him medically fit. Since, by that time the duration of the 43 S.S.C. (N.T.) Course was almost over the medical authorities decided to permit the Petitioner to undergo the 44 S.S.C. (N.T.) Course, which was going to commence in the near future. But soon thereafter, on 26th November, 1986, the Respondent conveyed to the Petitioner,—vide impugned communication (Annexure P-3), that as his date of birth was 18th June, 1961, he was not eligible for the Course—obviously, the idea being that he had completed 25 years" of age in June, 1986,

and would be Over-age for the said 44th Course. Aggrieved by this action, the Petitioner has approached this Court under Articles 226 and 227 of the Constitution of India, for issuing a writ of mandamus directing the Respondent to admit him to the S.S.C. (N.T.) Course at O.T.S. Madras.

2. Mr. R.S. Chahar, learned Counsel appearing on behalf of the Union of India, has vehemently opposed the maintainability of the writ petition as well as the advisability of seeking the relief from this Court on merits of the case. According to the learned Counsel, no such writ petition is maintainable by which the Respondent can be directed to admit the Petitioner to the Course and secondly if the Petitioner had completed twenty-five years" of age and has become over-age, the Respondent was not at fault for not deputing the Petitioner for the necessary Course.

3. Having heard the learned Counsel for the parties, I am of the considered view that the Petitioner is certainly entitled to be deputed to undergo the Training Course for which he has already been declared fit by the Respondent. If the authorities could not take necessary decision in time due to their pre occupations in the exigencies of administration and in the meantime the 43 S.S.C. (N.T.) Course had already commenced or was almost over, the Petitioner should not suffer on that account. In a welfare State, which is governed by the rule of law, the technicality of maintainability or advisability of a writ petition must be held subservient to the anxiety of the Courts to dispense justice, in order to create a sense of confidence in the subjects that justice demanded by them would not be defeated only because the authorities have caused delay in dispensing the same. In order to achieve this objective, even if the Executive Authorities are compelled to relax the technicalities of the procedural rules, the same should invariably be done. It is the primary duty of the Executive authorities to create confidence in the people, not only with regard to the correctness of their decisions but also regarding the justness and fairness of their actions, especially in the implementation of their own decisions. Once the highest Medical Board had declared the Petitioner medically fit to undergo the Training Course, all other procedural formalities and technicalities of the rules and regulations should have given way to a combined endeavor to ensure that the decision was implemented with promptitude.

4. Under the circumstances, the ends of justice would be adequately met if the Petitioner is now allowed to join the 44 S.S.C. (N.T.) Course, which has recently started or the 45th Course which is going to commence very shortly. The writ petition is accordingly allowed with no order as to costs.