



2026:DHC:7556-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
CNR No. DLHC010415952026
+ **W.P.(C) 12844/2026, CM APPL. 59653/2026 & CM APPL. 59654/2026**

UNION OF INDIA & ORS.Petitioners
Through: Mr. Vedansh Anand, SPC with
Mr. Vanshul Pali, GP and Mr. Kush Garg,
Advs.

versus

SUNIL KUMARRespondent
Through: Mr. M.K. Gaur and Mr. U
Srivastava, Adv.

CORAM:
HON'BLE MR. JUSTICE C. HARI SHANKAR
HON'BLE MR. JUSTICE VINOD KUMAR

JUDGMENT (ORAL)

% **03.09.2026**

C. HARI SHANKAR, J.

1. We have heard Mr. Vedansh Anand, learned SPC for the petitioners and Mr. U. Srivastava, learned Counsel for the respondent.
2. We, frankly, feel that this writ petition ought never to have been filed.
3. The respondent participated, consequent to an advertisement for recruitment, to the post of Constable in the Delhi Police. He cleared other rounds of selection but was disqualified at the stage of the Physical Endurance Test. The Physical Endurance Test required him



to run a distance of 1600 meters. As per the standards set in the advertisement, a candidate of 40 years of age or less was allowed to run the distance in a time of 7 minutes, whereas a candidate who was over 40 years of age was given 8 minutes to run the distance. The respondent ran the distance of 1600 meters in 7 minutes and 12 seconds. Because of the extra 12 seconds, which the respondent took to run the distance, he was disqualified.

4. The respondent challenged the decision to disqualify him before the Central Administrative Tribunal¹, which has allowed his Original Application. The Union of India is in challenge thereagainst.

5. There is no dispute about the fact that, on the date when the respondent underwent the Physical Endurance Test, he had crossed the age of 40. If he was to be treated as over 40 years of age, he would have with him 8 minutes to run the distance and could not have been disqualified.

6. The respondent was, however, disqualified on the ground that, *on the date when he applied for the post*, he had turned *exactly* 40 years of age. The respondent's date of birth was 1 July 1983 and he applied for the post on 1 July 2023. As such, he turned 40 on the date when he applied for the post. Applying that standard to the date when he undertook the Physical Endurance Test, the respondent has been disqualified for having taken 12 seconds in excess of 7 minutes to run the distance of 1600 meters, which was the time available for a candidate of 40 years.

¹ "Tribunal" hereinafter



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7. We doubt whether the petitioner was justified in assessing the performance of the respondent in the Physical Endurance Test on the standard applicable to a candidate of 40 years or less, when, admittedly, on the date when he undertook the test, the respondent had crossed the age of 40.

8. To say the least, this is not a case in which we should interfere under Article 226 of the Constitution of India with the decision of the Tribunal to upset the rejection of the respondent's candidature for having taken 12 seconds above 7 minutes for running 1600 meters, especially when, on the date when he underwent the test, he had already crossed the age of 40.

9. We, therefore, decline to interfere with the order of the Tribunal. The writ petition is accordingly dismissed in *limine*.

C. HARI SHANKAR, J.

VINOD KUMAR, J.

SEPTEMBER 3, 2026/AR