

Court No. - 34

Case :- WRIT - A No. - 19265 of 2023

Petitioner :- Anil Kumar And 2 Others

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Vijay Kumar Pandey

Counsel for Respondent :- CSC

Hon'ble Ajit Kumar,J.

1. Heard Sri Vijay Kumar Pandey, learned counsel for the petitioner as well as learned Standing Counsel.
2. Petitioner sought appointment on compassionate ground as Constable as he is intermediate qualified. However, in the he could not qualify in the Physical Efficiency Test.
3. Learned counsel for the petitioner submits that he is entitled to the benefit as given by this Court in the case of ***Jitendra Singh and another vs. State of U.P. and 3 others, Writ A No. 16436 of 2022.***
4. Learned Standing Counsel submits that in the above regard he has obtained instructions and in view of the provisions as contained under the Government Order dated 18.09.2015 petitioner can be adjusted against any other post, if he applies afresh within three months. The provision as contained in para 5 of the instructions is reproduced hereunder:

“5- यह कि प्रश्नगत भर्ती शासनादेश दिनांकित: 18.09.2015 के प्रावधानों के अन्तर्गत संपन्न की गयी थी, जिसके प्रस्तर-2(5) में निम्नवत प्रावधान है:-

“किसी भी पद पर मृत पुलिस कर्मों के आश्रित के रूप में भर्ती हेतु किसी भी अभ्यर्थी को नियमानुसार एक ही अवसर प्रदान किया जायेगा, अगर वह इस हेतु प्रदान किये गये अवसर में किसी भी कारण से, उस पद के लिए निर्धारित प्रक्रियानुसार सेवायोजन पाने में असफल रहता है, तो उसे किसी निम्न पद पर सेवायोजन हेतु ऑफर दिया जायेगा और वह यदि 03 माह के अन्दर अन्य किसी पद पर सेवायोजन हेतु आवेदन नहीं करता है , तो यह समझा

जायेगा कि वह पुलिस विभाग में किसी भी पद पर सेवायोजन पाने का इच्छुक नहीं है।”

5. In view of the above, it is hereby provided that since the petitioner has failed in physical efficiency test for the post of Constable, it will remain open for the petitioners to apply afresh for any other post in the police department which may be offered to him as per their eligibility.

6. It is accordingly provided that in the event petitioners make an application within four weeks from today, the same shall be considered and disposed of in the light of provisions as contained under the Government Order dated 18.09.2015 and quoted herein above. Petitioners, if held entitled for any other post, the same shall be offered within 30 days from the date of decision to be taken by the authority.

7. With the aforesaid observations and directions, this petition stands **disposed of**.

Order Date :- 21.11.2023

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