

Court No. - 8

Case :- WRIT - A No. - 4432 of 2023

Petitioner :- Yogendra Kumar

Respondent :- State Of U.P. Thru. Its Addl. Chief Secy. , Deptt. Of Home Lko. And 8 Others

Counsel for Petitioner :- Ajay Pratap Singh

Counsel for Respondent :- C.S.C.

Hon'ble Dinesh Kumar Singh,J.

1. Heard Shri Ajay Pratap Singh, learned counsel for the petitioner, Shri Prafulla Kumar Yadav, learned Additional Chief Standing Counsel and Shri V.K. Bajpai, learned Standing Counsel appearing for the State-respondents.

2. The present petition under Article 226 of the Constitution of India has been filed impugning the order dated 25.05.2023 passed by the Inspector General of Police, Ayodhya Region, Ayodhya, whereby petitioner's candidature for the post of Sub Inspector in Civil Police has been cancelled on the ground that the petitioner did not report for training within a period of one month from the date of commencement of training i.e. from 13.03.2023.

3. The petitioner participated in the selection process for the post of Sub Inspector in Civil Police, Platoon Commander (PAC) and Fire Second Officer in pursuance to the advertisement dated 24.02.2021 issued by the Uttar Pradesh Police Recruitment and Promotion Board, Lucknow, Uttar Pradesh.

4. The petitioner was successful in the selection process and he was issued appointment letter on 20.02.2023 and he was required to join the training at Police Academy, Moradabad up to 12.03.2023. It appears that the petitioner fell sick on 13.03.2023 and he was diagnosed with Typhoid and thereafter, the petitioner again fell ill on 15.04.2023 and he was treated in Community Health Centre, where he remained admitted for 24 hours, thus, because of his medical condition, he could not report for training by 12.03.2023 and his candidature came to be rejected under Rule 18(1) of the Uttar Pradesh Sub Inspector and Inspector (Civil Police) Service Rules, 2015 (hereinafter referred to as "Service Rules, 2015").

5. Aggrieved by the rejection of his candidature, the petitioner earlier approached this Court by filing a writ petition being Writ A No.3399 of 2023. This Court vide judgment and order dated 10.05.2023 disposed of the said writ petition with direction to the Director

General of Police (Training), Directorate of Police Training, Uttar Pradesh, Lucknow to take decision in the matter of the petitioner, within a period of seven days.

6. The petitioner's case has not been considered and his candidature has been rejected again vide impugned order dated 25.05.2023 on the ground that the petitioner did not report for training within a period of one month, as provided under Rule 18(1) of Service Rules, 2015 and considering the rigor of Rule 18(1) of the Service Rules, 2015 his selection has been cancelled.

7. Shri Ajay Pratap Singh, learned Counsel for the petitioner submits that the petitioner could not join for training within the prescribed time as his medical condition got deteriorated unfortunately and rigor of Rule 18(1) of the Service Rules, 2015 is causing undue hardship in such a situation. He further submits that there is power vested in the State Government under Rule 27 of the Service Rules, 2015 to relax the requirement as such, it is causing undue hardship to the petitioner, who after going through rigorous process of selection, got selected.

8. Shri Prafulla Kumar Yadav, learned Additional Chief Standing Counsel for the State-respondents does not dispute this fact that there is a power of relaxation vested in the State Government under Rule 27 of the Service Rules, 2015.

9. In view thereof, the petitioner could not join the training because of his poor medical condition, though, he got selected after going through rigorous process of selection and requirement of training within a period of one month is causing undue hardship to the petitioner. The State Government is directed to take into consideration, the undue hardship being caused to the petitioner for relaxing such a requirement in case of the petitioner as an exceptional case.

10. Let the petitioner approach the Additional Chief Secretary, Department of Home Affairs, Government of Uttar Pradesh within a period of three days' from today with an appropriate application and a certified copy of this order, on which the State Government should take a decision taking into consideration the undue hardship being caused to the petitioner, despite him being selected after going through rigorous selection process.

11. With the aforesaid observations/directions, the present petition stands finally **disposed of**.

(Dinesh Kumar Singh, J.)

Order Date :- 31.5.2023/Piyush/-