

***IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH***

CWP No.13955 of 2016 (O&M)

Date of decision:24.09.2016

Anil Kumar

... Petitioner

Vs.

State of Haryana & others

... Respondents

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present: Mr. Parminder Singh, Advocate for the petitioner.

...

TEJINDER SINGH DHINDSA, J.

CM No.10094 of 2016:

Application is allowed as prayed for. The Corrigendum dated 12.08.2015 is taken on record at Annexure P-8.

Application is disposed of.

Main case:

The petitioner, who had applied for the post of male Constable has filed the instant petition raising a prayer for his Physical Screening Test (PST) to be re-conducted.

Even though, the advertisement/public notice that was issued and in response to which the petitioner had submitted his application seeking appointment to the post of Constable has not been placed on record, yet counsel would submit that the Haryana Staff Selection Commission had issued advertisement on 19.07.2015 inviting applications for various posts including 5000 posts of male Constable (General Duty). The eligibility condition with regard to educational qualifications and age were stipulated in the advertisement itself. Counsel submits that the selection process

comprised of a Physical Screening Test (PST) in which candidates were to

participate in a 5 k.m. run against the qualifying time of 25 minutes followed by a Knowledge Test (KT), Physical Measurement Test (PMT) and an interview-cum-personality Test. It is submitted that the petitioner was eligible for the post having submitted an application and was issued an admit card for the Physical Screening Test (PST) and which was to be conducted on 16.06.2016.

The case set up on behalf of the petitioner is that on that particular day, petitioner duly appeared so as to participate in the 5 k.m. endurance run but somehow petitioner got entangled with another candidate and as a result thereof fell down and suffered injuries including a fracture in his leg. It is contended that the petitioner as such could not complete the 5 k.m. run and for which he has not to blame and now that he has recovered, he is entitled to be given another chance to complete the 5 k.m. run. It is argued that under such peculiar circumstances, petitioner could not be ousted and denied consideration for appointment to the post.

Counsel for the petitioner has been heard at length.

It has gone uncontroverted that admit card for Physical Screening Test (PST) was issued to the petitioner and detailed instructions for the candidates were also uploaded on the website. In the instructions for candidates contained in the admit card itself as also posted on the website, it had been made clear that no request for change in date of test, time as also venue of the Physical Screening Test (PST) would be entertained and no second opportunity would be given.

Even assuming the assertion made by counsel for the petitioner to be correct at its face value that the petitioner had fallen down during the course of the 5 k.m. run, the same can only be termed as unfortunate.

The entire selection process has to be conducted within the given time frame as contained in the advertisement, the admit card as also information uploaded on the website. Deviation from such time frame would not be in public interest. A selection process cannot remain open ended. At present and as of date not only the Physical Screening Test (PST) but even the next stage of selection process i.e. the Knowledge/Written Test stands concluded and even the result thereof has been declared. Acceptance of the prayer made in the instant writ petition for re-conduct of a Physical Screening Test (PST) would open the flood gates as a number of candidates would come up raising a prayer for re-conduct of the various stages of selection on one pretext or the other. The same would be impermissible as also not feasible.

For the reasons recorded above, prayer made by the counsel for re-conduct of the Physical Screening Test (PST) of the petitioner cannot be accepted.

Consequently, the writ petition is dismissed.

24.09.2016

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

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| i) | Whether speaking/reasoned? | Yes |
| ii) | Whether reportable? | No |