

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

***CWP No.14149 of 2016 (O&M)
Date of decision : 29.07.2016***

Vinod Kumar

... Petitioner

Vs.

Haryana Staff Selection Commission & another

... Respondents

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

Present: Mr. Fateh Saini, Advocate for the petitioner.

...

TEJINDER SINGH DHINDSA, J.

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.

The Haryana Staff Selection Commission issued advertisement dated 19.07.2015 inviting applications for various posts including 5000 posts of Male Constable (General Duty). The eligibility conditions with regard to educational qualifications and age were stipulated in the advertisement itself. The selection process comprised of a Physical Screening Test (PST) in which the candidates were to participate in a 5 km. run against the qualifying time of 25 minutes followed by a Knowledge Test (KT), Physical Measurement Test (PMT) and an interview-cum-personality test.

Petitioner being eligible applied for the post and was issued an admit card for Physical Screening Test (PST) which was to be conducted on 27.06.2016 in the morning session.

Case set out on behalf of the petitioner is that on that particular day, petitioner was suffering from high fever and vomiting and as such he

had upon reaching the venue submitted a request for change of date and time and such request was kept pending and ultimately the petitioner was forced to participate in the 5 km. run during the evening hours of the same day i.e. 27.06.2016. Counsel further contends that during the course of the entire day, petitioner was not given any food to eat and on account of his physical condition, he fainted while participating in the run and was taken for treatment to L.N.J.P. Hospital, Kurukshetra at about 9:00 P.M. It is argued that under such extreme circumstances, the respondents are obligated to re-conduct the Physical Screening Test (PST) and for which directions be issued to the respondent/authorities. Counsel has also submitted that a number of representations have been filed but no positive response has been evoked and which has led to the filing of the instant petition.

Having heard counsel for the petitioner at length and having perused the pleadings on record, this Court is of the considered view that the prayer made in the present petition cannot be accepted.

The admit card for Physical Screening Test (PST) issued to the petitioner has been placed on record at Annexure P-3. Perusal of the same would reveal that the petitioner had been informed that the date, test time and venue for holding the Physical Screening Test (PST) would be displayed on the website. There is no dispute with regard to the factual position that the petitioner had been duly informed with regard to the date of Physical Screening Test (PST) i.e. 27.06.2016 as also the time i.e. 5:00 A.M. In the admit card issued to the petitioner, it was specifically recited that if a candidate fails to appear on the stipulated date, he would be considered absent. Further, specific stipulation in the admit card was to the

effect:

“No request for change of date or venue shall be entertained”.

In the important instructions for candidates contained in the admit card itself and in clause (1), it was recited that request of candidates for change in date of test, time, Physical Screening Test (PST) venue will not be accepted and no second opportunity would be given.

Assuming the assertion of the petitioner as regards his health condition to be fragile on 27.06.2016 to be correct, the same can only be termed as unfortunate.

The entire selection process has to be conducted within the given timeframe as contained in the advertisement, the admit card as also information as uploaded on the website.

Deviation from such timeframe would not be in public interest. A selection process cannot remain open ended. Acceptances of the prayer made in the instant petition of 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.

Even as per the pleadings on record, the Physical Screening Test (PST) of the petitioner was to be conducted in the early morning hours on 27.06.2016. It is the petitioner's case himself that such test was delayed and conducted at 8:30 P.M. and in which he had participated. He has failed to clear the test distance of 5 km. within the qualifying time of 25 minutes. In other words, the petitioner has failed in the first stage of selection process itself i.e. the Physical Screening Test (PST). A request for re-conduct of such test under such circumstances cannot be entertained.

Yet another aspect that requires notice is that even though the petitioner claims ill-treatment at the hands of the respondents/authorities and asserts that he was taken to the L.N.J.P. Hospital, Kurukshetra at about 09:00 P.M. on 27.06.2016 for treatment yet the outdoor ticket placed on record at Annexure P-5 is completely silent as regards the symptoms as also treatment afforded to the petitioner.

In an overview of the matter, the prayer raised in the present petition seeking re-conduct of Physical Screening Test (PST) is declined.

Petition is dismissed.

29.07.2016

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

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