

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

***CWP No.14643 of 2016 (O&M)
Date of decision : 26.07.2016***

Rambhaji

... Petitioner

Vs.

Haryana Staff Selection Commission and another

... Respondents

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

Present: Mr. Sumit Sangwan, Advocate for the petitioner.

...

TEJINDER SINGH DHINDSA, J.

The petitioner who had applied for the post of Male Constable (General Duty) has filed the instant petition seeking issuance of writ of mandamus for directing the respondents to re-conduct the Physical Screening Test.

Brief facts are that the Haryana Staff Selection Commission issued advertisement No.8/2015 and published on 19.07.2015 whereunder 5000 posts of Male Constable (General Duty) for Police Department, Haryana apart from other posts were advertised. In the advertisement itself, the essential educational qualifications were prescribed. Eligibility in terms of age was also stipulated. Insofar as eligibility of qualifications and age is concerned, there is no dispute that the petitioner was eligible and accordingly he applied for the post of Male Constable (General Duty).

Perusal of the advertisement dated 19.07.2015 placed on record at Annexure P-1 would reveal that the selection process had also been detailed thereunder comprising of a Physical Screening Test (PST) and to be followed by a Knowledge Test (KT), a Physical Measurement Test (PMT) and an interview-cum-personality test.

The application form submitted by the petitioner was processed and being eligible, petitioner was issued a roll number/admit card to participate in the Physical Screening Test which was conducted on 09.07.2016.

Counsel appearing for the petitioner would submit that under the Physical Screen Test (PST), the petitioner as also other candidates had been called upon to qualify a 5 Km. run and which he could not complete as he fell down due to dehydration/dizziness. Counsel further submits that such condition occurred 100 meters approximately short of the run and as such, as a mercy chance, a re-conduct of such physical screening test be conducted for the petitioner. It is also contended that the petitioner had run almost the entire distance and that too, in 20 minutes as against the qualifying time of 25 minutes. It is further argued that the 500 posts of Male Constable (General Duty) were in fact the re-advertised posts, and in the previous process of selection, which had not been taken to its logical end, the petitioner had then also participated and had qualified the Physical Screening Test (PST). As per petitioner, since he is now becoming overage, this Court should intervene and directions be issued for conduct of Physical Screening Test (PST) of the petitioner as a special chance.

Having heard counsel for the petitioner at length, this Court is of the considered view that no basis for interference is called for.

In the advertisement dated 19.07.2015, the selection process and the various stages envisaged therein had been detailed. The first stage itself was that of a Physical Screening Test (PST) and the terms thereof were as follows:

Physical Screening Test (PST):

All candidates shall be put to a Physical Screening Test carrying maximum of fifteen marks to judge their physical fitness and endurance. The qualifying standards prescribed for this test shall be as under:-

Candidate	Test distance	Qualifying Time
1. Male	5.0 Kilometer	25 minutes
2. Female	2.5 Kilometer	15 minutes
3. Ex.-serviceman and candidates belonging to disbanded Haryana State Industrial Security Force (HSISF)	2.5 Kilometer	13 minutes

Clearly, all the candidates including the present petitioner had been informed at the very threshold that they would have to run the “test distance” of 5 Kms. and the qualifying time stipulated was 25 minutes for the same.

The advertisement itself made it clear that such Physical Screening Test (PST) is to judge the physical fitness and endurance level of a candidate.

It is not the case made out on behalf the petitioner that the selection criteria or selection process was not valid. To the contrary, the petitioner has subjected himself to the Physical Screening Test (PST). It is also not in dispute that the petitioner did not complete the test distance of 5 Kms. That being so, the petitioner has failed in the first stage of the selection process itself and as had been stipulated in the advertisement.

The prayer of the petitioner to conduct a re-test and to consider the present petition as a mercy appeal cannot be accepted. Such a prayer would not be in public interest also. It goes without saying that each and every selection process has to be carried out strictly in terms of the criteria stipulated in the advertisement/notice whereby applications are called for

appointment of any particular post. A selection process cannot remain open ended. If such submission of the petitioner is to be accepted purely on compassion and equity, no selection process would ever come to an end. The petitioner having qualified and completed the Physical Screening Test (PST) in a previous process of selection would be of no consequence.

For the reasons recorded above, no intervention in the matter is required.

Petition is dismissed.

26.07.2016

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

i) Whether speaking/reasoned?

Yes

ii) Whether Reportable?

No