

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.16756 of 2016

Date of Decision: 01.09.2016

Karmbir and others

... Petitioners

Versus

State of Haryana and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Vivek K.Thakur, Advocate,
for the petitioners in CWP No.16756 of 2016.
Mr. Sukhdev Singh Gopera, Advocate,
for the petitioner in CWP No.17713 of 2016.
Mr. Ravinder Singh Dhull, Advocate,
for the petitioners in CWP No.17849 and 17332 of 2016.
Mr. Simranjeet Singh, Advocate,
for the petitioner in CWP No.17172 of 2016.
Mr. Ankit Grewal, Advocate,
for the petitioner in CWP No.17175 of 2016.
Mr. Raj Kapoor Malik, Advocate,
for the petitioner in CWP No.17185 of 2016.
Mr. Vikas Lochab, Advocate,
for the petitioner in CWP No.17223 of 2016.
Mr. Sushil Jain, Advocate,
for the petitioner in CWP No.17297 of 2016.
Mr. Jarnail S.Saneta, Advocate,
for the petitioner in CWP No.17431 of 2016.

Mr. Harish Rathee, Sr. DAG, Haryana.

RAJIV NARAIN RAINA, J.(Oral)

This order will dispose of the above mentioned case as well as the connected writ petitions* as tabulated at the foot of the order as common issues are involved and they can be decided by a common order.

The issues raised in these petitions are no longer *res integra* as all the aspects have been covered in the judgment delivered on August 26, 2016 by my brother Tejinder Singh Dhindsa, J. in CWP No.16498 of 2016 titled *Ashok Kumar and others v. State of Haryana and another* dismissing

identical petitions for the many reasons stated in the order which need not be re-traversed herein. There are no points of departure from the cases decided by the learned Coordinate Bench and those pending before me listed for hearing today.

Accordingly, the petitions are dismissed in terms of the orders passed in the aforesaid writ petition.

That apart, learned counsel appearing in CWP No.17185 of 2016 [which is part of these set of cases] has argued in addition to the grounds covered in the decided cases urging that the chip was neither calibrated nor tested before the test races began. I am afraid this argument is not tenable in the world of modern technology. Chip timing utilizes radio frequency identification (RFID) to automatically record individual runner finish times and specialized software takes this data and compiles it in finished results. A chip is presumed to be correct in its readings unless scientific facts are placed on record to show error in order to question its correctness and to rebut the presumption. No such irrefutable facts are pleaded in the petition. Moreover, even this has been duly considered in *Ashok Kumar* case. It is not enough to urge on bald assertions that the timings achieved were in the case of the present petitioner wrongly recorded or to hear him cutting corners here and there. This Court has no reason not to trust the chip technology introduced to deal with candidates in six figures running the race of 5 kilometers.

At any rate, these are seriously disputed questions of fact which cannot be entertained in writ jurisdiction without there being affirmative evidence to prove error in recording time and distance covered. There is a

presumption that Government does its business in accordance with law.

I have no reason to entertain the petition for further hearing on this point. It is accordingly dismissed. So are the rest in this bunch.

(RAJIV NARAIN RAINA)
JUDGE

01.09.2016
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Sr. No.	Case Number	Parties Name
1	CWP No.17713 of 2016	Sanjay Kumar v. State of Haryana and another
2	CWP No.17849 of 2016	Amit Mann and others v. State of Haryana and others
3	CWP No.17172 of 2016	Vikram Bainsla v. State of Haryana and others
4	CWP No.17175 of 2016	Ajay Kumar v. State of Haryana and others
5	CWP No.17185 of 2016	Shyam Lal v. State of Haryana and another
6	CWP No.17223 of 2016	Vikas Kuhar v. State of Haryana and others
7	CWP No.17297 of 2016	Manish Kumar v. State of Haryana and others
8	CWP No.17332 of 2016	Pardeep and others v. State of Haryana and others
9	CWP No.17431 of 2016	Kuldeep v. State of Haryana and others

(RAJIV NARAIN RAINA)
JUDGE

01.09.2016
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Whether speaking/reasoned Yes

Whether reportable No