

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.19795 of 2016.

Date of Decision: September 23, 2016

Amit Chouhan and others

.....Petitioners

versus

State of Haryana and another

.....Respondents

**CORAM: HON'BLE MR.JUSTICE SURYA KANT.  
HON'BLE MR.JUSTICE SUDIP AHLUWALIA.**

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Present: Mr.Saurav Verma, Advocate, for the petitioners.

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1. Whether Reporters of Local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

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**Surya Kant, J.** (Oral)

The petitioners were candidates for recruitment to the posts of Constables in Haryana Police. They participated in the physical screening test but having failed to qualify the same, have instituted the instant proceedings raising multiple issues including the *vires* of Punjab Police Rules, 1934, as applicable to the State of Haryana, which have been amended on 18.06.2015 (P-1).

[2] It would be appropriate to deal with their multiple contentions in the following seriatim. The first contention is that the rules, as amended on 18.06.2015, are *ex-facie* arbitrary and thus do not stand the test of Article 14 & 16 of the Constitution. To substantiate this plea, clause 5(b) of Rule 12.16 which prescribes the procedure for direct recruitment, is being questioned. It would be useful to reproduce Clause 5 (a) and (b) of the Rules

(ibid), which reads as follows:-

“.....12.16 Procedure for direct recruitment:-

XX                    XX                    XX                    XX

(5) Physical Screening Test (PST):

- (a) All candidates who qualified the Physical Measurement Test shall be put to a Physical Screening Test carrying maximum fifteen marks to judge their physical fitness and endurance. The standards prescribed for this test shall be as under:-

| Candidates                                                                                                                                                                                                     | Test distance | Qualifying Time |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|-----------------|
| 1. Male                                                                                                                                                                                                        | 5.0 kilometer | 25 minutes      |
| 2. Female                                                                                                                                                                                                      | 2.5 kilometer | 15 minutes      |
| 3. Ex-serviceman                                                                                                                                                                                               | 2.5 kilometer | 13 minutes      |
| Note: RFID (Radio Frequency Identification Device) or any other superior and reliable technology shall be used to ensure reliability of this test at the discretion of the Haryana Staff Selection Commission. |               |                 |

- (b) The responsibility of having the requisite medical fitness to undergo this test shall rest upon the candidate.....”

[3]           The petitioners' contention is that “responsibility of having the requisite medical fitness to undergo the physical screening test” has been fastened on the candidates which is not only arbitrary but contrary to the unamended rule. We fail to see any illegality in the rules reproduced above. Once uniform physical standard has been prescribed by the Rule Making Authority, a candidate willing to participate in the competitive test has to be responsible for his medical fitness for such participation. He cannot impose such liability on the authorities. The unamended rule referred to above by the petitioners is post-selection, namely, before a constable is formally enrolled. Assuming that the rule is reversed by way of amendment, yet it has not violated any Constitutional provision or that of a Statute. It is well

parameters as are applicable in the case of a piece of legislation. Unless the Court finds it derogatory to the Constitution or hit by a Statute or is contrary to the public policy, it would have not interfere in the statutory rules. The first contention is thus rejected.

[4] The petitioners then question the contents of the advertisement published on 19.07.2015 (P-2) in response to which they had applied. It is stated that physical measurement test, as per the amended rules, was to be conducted before the physical screening test but the advertisement says otherwise. This contention, in our considered view, is totally misconceived and misdirected. The petitioners were aware of the procedure advertised, they applied and took a chance for their selection but having failed to do so, cannot turn around and question the advertisement. Otherwise also there is no merit in the contention. Holding physical measurement test earlier or later, is the discretion of the authorities.

The third contention is that one candidate (Ravinder Kumar son of Ram Chander), bearing Roll No.1001313489 is said to have completed 2.5 kilometer race within 1 minute and 14 seconds which is impossible. Neither the said candidate is party-respondent in this lis nor final selection has taken place so far. This contention at this stage is wholly pre-mature and cannot be entertained behind the back of the candidate.

Dismissed.

[SURYA KANT]  
JUDGE

September 23, 2016  
*mohinder*

[SUDIP AHLUWALIA]  
JUDGE

|                           |   |        |
|---------------------------|---|--------|
| Whether speaking/reasoned | : | Yes/No |
| Whether Reportable        | : | Yes/No |