

CWP No.3924 of 2016

#1# Manoj Kumar
2016.11.07 09:40
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IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.3924 of 2016
Date of decision: 14.9.2016

Preet Bhupinder Singh

....Petitioner

Vs.

State of Punjab and Ors.

....Respondents

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. D.S. Patwalia, Sr. Advocate with
Mr. Kannan Malik, Advocate for the petitioner.

Mz. Sudeepti Sharma, DAG, Punjab for respondent No.1.

Mr. Kamal Sehgal, Advocate for respondent No.2/PPSC.

Jaswant Singh, J

Petitioner, who is an aspirant for the post of Deputy Superintendent of Police in the Scheduled Caste category in the Punjab State Civil Services Combined Competitive Examination-2013, has sought a writ of certiorari for quashing the impugned communication dated 19.2.2016 (**P.14**) whereby his candidature for being considered to the said post has been rejected; further prayer is for a mandamus directing the respondents to declare him successful in 1600 meters qualifying race or to retake the said race.

It is contended by learned counsel for the petitioner that the petitioner has been declared ineligible on account of not having completed 1600 meters race within specified time i.e. 7.30

minutes, which is wholly erroneous in view of the Expert (P.13) submitted by Associate Professor Dr. Jagdish Singh.

On the other hand, learned counsel for the respondents have argued that the result of the physical test of the petitioner is very clear and he was declared "Not qualified" by the Sports Expert deputed by the commission at the relevant time and the same is binding and cannot be superseded or undone by the alleged report (P.13).

Heard learned counsel for the parties and perused the paper book with their able assistance.

A perusal of paper book reveals that an Advertisement No.9 dated 6.12.2013 (P.1) was issued by the PPSC-respondent No.2 for various posts including 10 posts of Deputy Superintendent of Police in Punjab and in pursuance thereof, the petitioner applied as a candidate belonging to S.C (Others),Punjab (Category code-77). As per public notice dated 19.5.2014 (P.2), a Physical Test Events was to be conducted for the post of DSP and the relevant part of the public notice reads as under:

"SUBJECT: PHYSICAL TEST EVENTS TO BE CONDUCTED FOR THE POSTS OF DEPUTY SUPERINTENDENT OF POLICE

1.0 This is for the information of all concerned that the Parameters for the Physical Test of DSPs have been revised by the Commission. The details are mentioned in the table below:

2.0 The candidates have to mandatorily qualify the Physical Test event mentioned at Sr.No.1 in the table below. In addition, the candidates have to qualify and two physical test events of the three physical test events

mentioned at Sr.No.2,3 & 4:

<i>Sr.No.</i>	<i>Events for Male Candidates</i>	<i>Events for Female Candidates</i>
<i>1</i>	<i>1600 meters race: To be completed within 07 minutes 30 seconds (only one attempt)</i>	<i>800 meters race: To be completed within 04 minutes 45 seconds (only one attempt)</i>
<i>2</i>	<i>Long Jump: Minimum 3.60 meters (Three attempts only)</i>	<i>Long Jump: Minimum 1.00 meter (Three attempts only)</i>
<i>3</i>	<i>High Jump: Minimum 1.15 meters (Three attempts only)</i>	<i>High Jump: Minimum 1.00 meter (Three attempts only)</i>
<i>4</i>	<i>Vertical Rope: 2.0 Meters climb from the ground (Three attempts only)</i>	<i>Shuttle: Running between two parallel lines 10 meter apart, five times in 20 seconds (one attempt only)</i>

In pursuance of the public notice referred above, a Physical Test of 177 candidates was conducted out of which 96 candidates appeared for the Physical Test on 28.1.2015 including the petitioner in the presence of two subject Experts from the Physical College of Education, Patiala, serving Army Personnel, Time Keepers at a scale of 1 per candidate from the Physical College of Education, Nominated Staff of PPSC as well as Members of the PPSC under the overall supervision of Chairman and 41 candidates qualified the Test out of 96 on 28.1.2015 whereas rest of them including the petitioner were declared as "Not Qualified" on the spot. All the candidates including the petitioner were immediately told then and there as per the prevailing practice, and no one questioned the said Physical Test result referred above including the petitioner at that stage. His result (**R.1**) as declared by the PPSC reads as under:

"PUNJAB PUBLIC SERVICE COMMISSION

Punjab State Civil Services Combined Competitive Examination 2013

BATCH No.6

Deputy Superintendent of Police Deputy Superintendent of Jails (Grade II) District Probation Officer (Jails)

Date Wednesday January 28, 2015 RACE (1600 Meters) To be completed within 07 Minutes

30 Seconds (Only One Attempt Allowed)

S.No.	ROLL No/.	NAME	Time taken	Qualified	Sign of Conducting	Sign of
	CHEST NO.		By the candidate	Yes/No	Officer	Representative
						of PPSC
21 & 22	xx	xx		xxxx		xxxx
23.	7969/248	PREET BHUPINDER		No	Sd/-	(Sd/- Sd/-)
Sd/- Supdt (Scrutiny)"						

A perusal of the result of the Physical Test clearly reveals that the petitioner was declared as "Not Qualified" on 28.1.2015 and the present writ petition is filed on 23.2.2016 i.e after a period of more than one year and there was no challenge to the legality and validity of the document (R.1) at the relevant time by the petitioner for the reasons best known to him. The petitioner has woken up now after a period of one year and is claiming the reconsideration for the Physical Test on the basis of the so called report (P.13), which is of no significance in view of the categorical declaration of "Not Qualified" of the petitioner by the PPSC vide result (R.1).

Since the petitioner could not qualify the Physical Test in the 1600 meter race mentioned at Sr.No.1, which was mandatory, therefore he was rightly not allowed to participate in the remaining Physical Test as mentioned at Sr.No.2,3 & 4 in the Public Notice as reproduced hereinabove. The attempt of the petitioner by filing the present writ petition is only an afterthought in view of one post in his category having remained vacant and if the course as opined in the report (P.13) is to be accepted for the physical test conducted by the PPSC for a post of DSP, then the same will open the pandora box leading to an endless litigation.

In view of the aforesaid discussion, there is no merit in the present writ petition.

Dismissed.

September 14, 2016
manoj

(JASWANT SINGH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable : Yes/No