

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.42246 of 2017

ORDER:

Heard learned counsel for the petitioner and learned Government Pleader for the respondents.

2. The first respondent issued a notification for Telangana State Level Police Recruitment for the post of Stipendiary Cadet Trainee (SCT) Sub-Inspector of Police (Civil) (Men & Women) and other posts. There were 510 vacancies in six different zones. The petitioner was eligible and accordingly he applied to the posts of Sub Inspector of Police (Civil) (Men & Women), Station Fire Officer, Reserve Sub Inspector of Police (AR) (Men & Women), Reserve Sub Inspector of Police (SAR CPL) (Men), Reserve Sub Inspector of Police (TSSP) (Men) and Sub Inspector (Men) in Special Protection Force (SPE) Department in the order of preference.

3. A physical efficiency test was conducted on 09.07.2016 at Amberpet Grounds, Hyderabad, and the petitioner participated there. He successfully completed the written test and secured 103 marks in Paper-I and 129 marks in Paper-II. Thus, he got an average of 116 marks. In the physical efficiency test, he got 68.75 marks. The total marks, thus, obtained by him was 184.75. When the petitioner was not selected, he filed the present writ petition on the ground that while conducting physical efficiency test at Amberpet Grounds, Hyderabad, the marks secured by him in High Jump test was not properly recorded and they did not follow proper procedure. When an offer was made to challenge the result, the petitioner submitted a representation on 10.09.2017. The

fourth respondent issued a Memo on 13.10.2017 disposing of the representation. Challenging the said Memo, he filed W.P.No.32018 of 2017 and this Court disposed of the same on 21.09.2017 directing the fourth respondent to dispose of the representation of the petitioner, dated 04.09.2017, in accordance with the Rules and Regulations. Pursuant to the said order, another Memo was issued on 05.12.2017 and challenging the said Memo, the present writ petition was filed.

4. As per the said Memo, the petitioner belongs to BC-E community and local to Zone-VI. It was stated that he secured the following marks and cut-off marks are as follows:

S.No.	Name of the Post	Marks secured by the Petitioner	Cut off marks for BC-E category
1.	SCT SI (Civil)	333.50	370.50
2.	SCT RSI (AR) (Men)	184.75	195.50
3.	SCT RSI (SAR CPL)	184.75	217 (OC) No vacancy of BC-E
4.	SCT RSI (TSSP)	184.75	184.75
5.	SI in SPE	184.75	206 (OC) No vacancy of BC-E
6.	SFO	333.50	367

5. Though cut-off marks secured by the petitioner and another candidate is equal i.e., 184.75 marks, since the petitioner was younger to the other candidate as per the date of birth, preference was given to other candidate and he was selected.

6. With regard to injustice done in High Jump, it is stated as follows:

“In his representation dated 04.09.2017 vide reference 2nd cited, he stated that at Amberpet Grounds (SARCPL), Amberpet) in-justice was done in recording High

Jump reading due to which he secured less marks in PET. The PMT & PET was conducted on 09.07.2016 and the provisional selection list was issued on 02.09.2017 and the Petitioner submitted presentation on 04.09.2017 alleging that less marks were given. His representation is with a delay of more than a year, that too after declaration to the provisional selection list. If the Petitioner was having any objection with regard to the recording of High Jump readings he would have immediately brought the matter to the notice of the Board i.e., on the day when he attended the events or on the next immediate working day. He attended the PET events on 09.07.2016 and also signed on the PET sheet in token of the correctness of the readings along with other candidates. Therefore, no action can be taken with regard to the PET marks already awarded to him.”

7. The main grievance of the petitioner, as canvassed by learned counsel for the petitioner, is that the High Jump reading was not properly done, as it has to be done in a range of 1.20 to 1.25, 1.26 to 1.30 and 1.31 to 1.35 and it was recorded that his High Jump was 1.30, which is not possible. Initially, this Court got a doubt and called for information from the respondents and respondents submitted that the petitioner accepted the said recording and signed in token of the same in the Register for physical efficiency test. Learned Government Pleader further submitted that the petitioner was awarded proper marks for the record of 1.30 and no injustice was done to him.

8. As stated above, the minimum height for the High Jump was 1.20 and the maximum is 1.71 and above. Thus, as per the representation of the petitioner, dated 10.09.2017, he made three attempts and he crossed the range of 1.20 to 1.25 and 1.26 to 1.30, but he was not successful in the range of 1.31 to 1.35.

Accordingly, his highest record of 1.30 was recorded and he was awarded points of 13.75. But, learned counsel for the petitioner submits that the actual recording should have been recorded in the measurements, but not the minimum and maximum range provided in the gradation table. Even if actual range achieved by the petitioner was not recorded, the petitioner was not done any injustice by recording the maximum in the successful range, which he crossed. As stated above, the petitioner made three attempts and in the third attempt, he was not successful. Since he was successful in two attempts and maximum thereof is 1.30, the same was recorded and he was awarded marks.

9. The other reason assigned by the respondents in their Memo, dated 05.12.2017 is that the petitioner raised his grievance after signing the Register of Physical Efficiency Test after more than one year. This is also another consideration, which this Court had take into account for examining the relief and the grievance is belated. In any event, this Court is satisfied that the petitioner was not put to any injustice. Therefore, the Writ Petition is liable to be dismissed.

10. Accordingly, the Writ Petition is dismissed. Miscellaneous petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

A.RAMALINGESWARA RAO, J

DECEMBER 26, 2017

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THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO



WRIT PETITION No.42246 of 2017

Date: 26.12.2017

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