

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.16046 of 2017

Date of Decision: September 11, 2017

Mohit and others

...Petitioners

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. Vikas Nagra, Advocate, for the petitioners.

Amol Rattan Singh, J. (Oral)

By this petition, the petitioners contend that pursuant to the advertisement dated 19.07.2015 (Annexure P-1), inviting application forms from candidates seeking to be appointed as Constables (Males) in the Haryana Police, the physical screening test was held in the month of June 2016.

It is contended that the petitioners actually qualified the said test as per the criteria laid down therein but were shown to have not passed the test and consequently were not considered in the subsequent tests/selection process in general, before finalization of the process itself.

Upon query as to why, if the petitioners had been declared to have not passed the physical screening test in June 2016, the petition has been filed in July 2017, i.e. more than one year later, learned counsel submits that similarly placed candidates had filed CWP no.16498 of 2016, which was dismissed by a coordinate bench on 26.08.2016, but upon an appeal having been filed by the petitioners therein along with other similarly

placed candidates, i.e. LPA no.1590 of 2016, it was decided by a Division Bench on 08.05.2017 (Annexure P-5), upon a statement having been made by the learned Advocate General, Haryana, to the effect that the authorities have reconsidered the matter and as a “special case”, it had been decided to consider the appellants in that appeal to have qualified the physical screening test, pursuant to which a written examination was to be held on 08.06.2017.

That being the case, with the petitioners in CWP no.16498 of 2016 (appellants in LPA no.1590 of 2016) having approached this Court soon after the physical screening test was conducted in the month of June 2016 and thereafter the entire selection process having been completed in June 2017, in terms of the statement of the Advocate General, after even a special written test was held, in the opinion of this Court, this petition having been filed after the entire selection process is otherwise over, cannot be entertained, the petitioners having now challenged the initial physical screening test itself, after which a large number of testing procedures were completed before finalization of the selection process in June 2017.

It needs mention again that despite some writ petitions remaining pending with regard to other grievances of the petitioners therein, on account of their non-selection, appointments to the posts in question were also made as per the merit list framed, in June-July this year, except to the extent of the posts where stay orders have been passed by this Court.

However, the petitioners herein are not similarly situated to those who have obtained stay orders, as they have challenged the first stage

of the selection process itself, i.e. the physical screening test, which was held in August 2016, at a stage when, to again repeat, the entire selection process already stands concluded, with a special test also held in June 2017, in respect of those who had raised a doubt on the correctness of the result of the physical screening test.

Thus, the petitioners having approached this Court raising a similar doubt after the entire selection process, a fresh written test cannot be ordered to be held only for them, they having slept over their rights at the appropriate stage right uptill even the time when the special written test was held in the early part of June 2017.

Consequently, finding no merit, simply on account of the delay in filing this petition, it is dismissed in limine.

September 11, 2017
vcgarg

(**Amol Rattan Singh**)
Judge

Whether speaking/reasoned:	Yes
Whether reportable:	no