

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP No. 22391 of 2016 (O&M)
Date of decision : April 25, 2017

Gurpreet Kaur,

..... Petitioner

v.

State of Haryana and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Jagjit Gill, Advocate
for the petitioner.

Mr. Harish Rathee, Sr. DAG Haryana

Ajay Tewari, J (Oral)

By way of this writ petition, the petitioner has claimed that she has wrongly not been selected to the post of female Constable.

The petitioner is a SC candidate and states that her timing in 2.5 kms race was 13.9 minutes and her height was 163 cms. As per learned counsel for the petitioner, the rules envisaged that she should have got 35.75 marks whereas she has been awarded 33.75 marks.

Learned Sr. DAG Haryana points out that in the physical standard test, marks are given as per the performance and in the rules, it is provided that if a female candidate completes 2.5 kms race in 13 minutes she would be entitled to 12 marks and if she completes it in 14 minutes will get 11 marks. Since the petitioner took more than 13 minutes to complete the race she was actually given 11 marks. Even if one more mark is given

to her for height, she is still short of the last candidate who got 35.5. marks.

Counsel for the petitioner, on the other hand, has argued that any person who completes the race in less than 14 minutes has to get 12 marks and only a person who completes the race in 14 minutes or more has to get 11 marks.

In my opinion, the argument of learned counsel for the petitioner is misplaced. No doubt, where a higher score carries a higher premium, there are precedents of rounding off. For instance, a person who gets 55.6% may be entitled to claim that his marks should be rounded off to 56% but in the case of a race, this principle would not apply. In the race a person who runs faster and takes lesser time gets a higher merit. Consequently, principle of rounding off or giving benefit to the petitioner of 12 marks is not possible. Admittedly, the petitioner completed the race in more than 13 minutes and consequently has rightly been awarded 11 marks. In these circumstances, it has to be held that even if one extra mark is given to the petitioner on account of PMT, she would still be behind the last selected candidate and, therefore, no relief can be granted to her. Resultantly, this writ petition is dismissed being devoid of any merit.

Since the main case has been decided, the pending C.Ms, if any, also stand disposed of.

(AJAY TEWARI)
JUDGE

April 25, 2017
'kk'

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