

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

LPA No.2097 of 2016 (O&M)

Date of Decision: 08.05.2017

Anil Kumar

... Appellant

VS.

State of Haryana & Ors.

... Respondents

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

Present: Mr. Parminder Singh, Advocate;
for the appellant(s)

Mr. BR Mahajan, Advocate General, Haryana with
Mr. DS Nalwa, Addl. AG Haryana

SURYA KANT, J. (Oral)

(1) The instant Intra-Court Appeal is directed against the order dated 24.09.2016 whereby learned Single Judge has dismissed the appellant's writ petition in which he made a prayer to re-conduct his physical screening test.

(2) The reason as to why the appellant made the above-stated prayer was that while participating in the physical screening test (5 km run), he got entangled with another candidate and fell down, as a result of which, he suffered multiple injuries including fracture in his leg. At the time when the accident took place, the appellant had completed almost half of the 5 km run. Owing to his performance upto half stage and keeping in view the peculiar circumstances, coupled with the hardship faced by him, we are satisfied that the appellant must deserves to be declared to have qualified the physical screening test. Ordered accordingly.

(3) Let the appellant be also permitted to appear in the written test scheduled to be held on 08.06.2017 in terms of the order of even date passed

Since no other candidate with similar circumstances has approached this Court so far, the concession so granted shall be restricted *qua* the appellant only.

(4) The appeal is allowed to the extent above.

(Surya Kant)
Judge

08.05.2017
vishal shonkar

(Sudip Ahluwalia)
Judge

1. *Whether speaking/reasoned?*
2. *Whether reportable?*

Yes
No