

**HON'BLE SRI JUSTICE SURESH KUMAR KAIT
AND
HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI**

WRIT APPEAL No.255 of 2018

JUDGMENT : (Oral)

(Per Hon'ble Sri Justice Suresh Kumar Kait)

Vide the present appeal, the appellant has challenged the order dated 26th December 2017, passed in W.P.No.42246 of 2017, whereby, the said writ petition filed by the appellant has been dismissed by the learned Single Judge.

2. The 1st respondent-State issued 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 appellant was eligible and accordingly he applied to the posts of Sub-Inspector of Police (Civil), Station Fire Officer, Reserve Sub-Inspector of Police (AR), Reserve Sub-Inspector of Police (SAR CPL), Reserve Sub-Inspector of Police (TSSP) and Sub-Inspector 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 appellant participated in the same. 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 the appellant were 184.75. When the appellant was not selected, he filed the writ petition on the ground that while

conducting physical efficiency test at Amberpet grounds, Hyderabad, the marks secured by him in High Jump test were not properly recorded. The appellant submitted a representation on 10.09.2017 questioning the results. Respondent No.4 issued a Memo on 13.10.2017, disposing of the said representation. Challenging the said Memo, he filed the writ petition in W.P.No.32018 of 2017. The said writ petition was disposed of on 21.09.2017 directing respondent No.4 to dispose of the representation of the appellant dated 04.09.2017 in accordance with the Rules and Regulations. Pursuant to said orders, another Memo was issued on 05.12.2017. Challenging the said Memo, the writ petition in W.P.No.42246 of 2017 has been filed, which was dismissed by the learned Single Judge by impugned order. Hence, this writ appeal.

4. The case of the appellant before the learned Single Judge and before this Court is that his candidature was rejected without giving him proper chance to qualify in the high jump.

5. During the course of hearing, on 05.03.2018, we passed the following order :

“Pursuant to order dated 26.02.2018, Shri M. Shiva Prasad, Addl. Commissioner of Police, C.A.R. Headquarters, Telangana, is personally present in Court with relevant records.

The case of the appellant is that, while conducting physical tests at Amberpet Grounds, Hyderabad, on 09.07.2016, respondents have not properly considered points secured by him for High Jump test; he qualified 1.31 mtrs., for High Jump, but respondents

recorded it as 1.30 mtrs. When he asked the reason for not recording actual points secured by him, respondents replied that the computer would consider till the limits of 1.30 points only.

It is not in dispute that the marks of the candidates including the appellant herein were published on 02.09.2017 and final result was declared on 04.09.2017. After going through the marks of other candidates, appellant made representation to the respondents on 04.09.2017. Since there was no response from the respondents, he filed W.P.No.42246 of 2017.

The range for High Jump is 1.20 to 1.25 mtrs., 1.26 to 1.30 mtrs., 1.31 to 1.35 mtrs., 1.36 mtrs., to 1.40 mtrs., 1.41 to 1.45 mtrs., and highest range is 1.71 mtrs.

Learned Govt. Pleader, on instructions from the Officer concerned who is present in Court, submits that, a candidate who qualifies the range 1.20 to 1.25 mtrs., in 3 chances and the candidate clears 1.20 mtrs., in first attempt, then he will be given chance to higher bar, i.e., 1.26 mtrs., and so on. If the candidate clears 1.20 mtrs., in his credit, it will be recorded that he is qualified for 1.20 mtrs. If the candidate clears 1.26 mtrs., then, it will be recorded that he is qualified for 1.26 mtrs. As stated by the learned Govt. Pleader that since the appellant could not qualify for 1.31 mtrs., therefore, in his credit, 1.30 mtrs., is recorded and the appellant has signed to that effect on the same day; had he any objection, he should have made a representation. Learned Govt. Pleader further submits that a press release has been issued on 09.01.2017 and put on website of the respondents stating that if any candidate has any objection to the marks secured by them, they may make a representation to the respondents between 10th to 12th January, 2017, however, the appellant did not make any representation within the said time, but made

representation on 04.09.2017, after a gap of about 9 months.

On a perusal of the record, it is clear that, barring two or three cases, it is recorded that a candidate is qualified for 1.20, 1.26, 1.31, 1.36 mtrs., and so on, however, it is not recorded that a candidate is qualified for 1.25, 1.30, 1.35, 1.40 mtrs., and so on. It seems, the respondents have not adopted uniformity in mentioning the bar of High Jump qualified by the candidates. As per the record which we have perused with regard to two or three candidates, highest range is recorded and in other cases, the lowest range is recorded. This gives rise to any amount of suspicion. Therefore, in the interests of justice, we deem it appropriate to give an opportunity to the petitioner to qualify in High Jump.

Accordingly, respondents are directed to conduct physical test to the appellant herein, only in respect of High Jump from bar 1.31 mtrs. onwards, on 07.03.2018 at 10.00 a.m., at Amberpet CPL Grounds, Hyderabad.”

6. Pursuant to aforesaid order, we were informed that the appellant was permitted to undergo the high jump test again on 07.03.2018 and he cleared the bar at the height of 1.31 metres. We were further informed that by virtue of this development, the candidature of the appellant would have to be re-considered and sought time.

7. Now, three months have already passed since the appellant has cleared the test. Therefore, we hereby dispose of this appeal directing the respondents to issue appointment letter in 4 weeks from today and fix the seniority of appellant in his batch, which is already undergoing training, if he is otherwise found eligible and communicate the same to him. His

training would be started with the next batch, however, the seniority of appellant with his batch shall be maintained.

8. The writ appeal is accordingly disposed of. No order as to costs.

Pending miscellaneous applications, if any, shall stand closed.

SURESH KUMAR KAIT, J

ABHINAND KUMAR SHAVILI, J

June 11, 2018

ajr

