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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ W.P.(C) 10701/2018  
PANKAJ SINGH ..... Petitioner  
Through: Mr. Ajay Sharma, Advocate

versus

UNION OF INDIA AND ORS. .... Respondents  
Through: Mr. Prasanta Varma, Mr. Sushil Pande,  
Ms. Prativa Rani Varma and Ms. Shalu Goswami,  
Advocates for R1, R3 and R4  
Mr. Naresh Kaushik, Advocate for R2/ UPSC

**CORAM:**  
**HON'BLE MS. JUSTICE HIMA KOHLI**  
**HON'BLE MS. JUSTICE REKHA PALLI**

% **ORDER**  
**09.10.2018**

1. The present petition has been filed by the petitioner praying *inter alia* for directions to the respondent No.3/CISF for reconsidering his candidature to the post of Commandant, by relaxing the PET (Physical Endurance Test) undertaken by him.
2. A glance at the relevant facts of the case is considered necessary. Vide Notification dated 06.12.2017, the respondents/UOI had invited applications for the post of Assistant Commandant, for which the respondent No.2/UPSC was required to conduct an examination. The petitioner had applied for the subject post and on participating in the Assistant Commandant (LDCE), he was declared successful on 04.4.2018. Thereafter, the respondent No.3/CISF called upon the petitioner to appear for his PST

(Physical Standard Test), PET (Physical Endurance Test) and MST (Medical Standard Test). On 07.5.2018, when the petitioner underwent the PET, he could not clear the 100 meters race within the prescribed time, as stipulated in the Notification dated 06.12.2017, i.e., 16 seconds for a male candidate. As a result, the petitioner was disqualified from appearing in the examination.

3. Aggrieved by his disqualification, the petitioner through his several relatives, adopted the RTI route to gather information from the respondent No.2/UPSC in respect of the criteria adopted for conducting the PET/PST examination for candidates. On the said RTI applications being rejected by the respondents on the ground that the same did not fall under the category of 'information', as prescribed under 24 (1) of the RTI Act, 2005, the petitioner submitted a representation dated 30.7.2018 to the respondent No.2/UPSC for reconsidering his candidature. In the meantime, on 21.7.2018, the respondents declared the result of the subject examination wherein, for the reasons noted above, the name of the petitioner did not feature. Aggrieved by the same, the petitioner has filed the present petition.

4. Learned counsel for the petitioner submits that in the PET conducted for the candidates, there were two sets of races namely, the 100 meters and the 800 meters races and as per the rules of the Training Manual AC (LDCE) Officers, a candidate in the course of a PET, was required to undergo a long and a short race whereas during his PET, the petitioner was made to run in the reverse sequence as prescribed under the training manual. Learned counsel further states that while undergoing the 100 meters race,

the petitioner risked pulling of muscle, tweaking a tendon/bone or joint and due to the said exertion, he could not successfully clear the PET.

5. Regretfully, none of the grounds taken by learned counsel for the petitioner to assail the decision of the respondent No.2/UPSC of disqualifying the petitioner from the subject examination on his not clearing the PET, are persuasive enough. Para 13 of the Notification dated 06.12.2017, clearly lays down the manner in which candidates were required to meet the prescribed standards for clearing the PET, which is reproduced herein below for ready reference:-

*“13.(4) Those candidates who meet the prescribed Physical Standards as specified in Appendix II to these Rules, will be put through Physical Efficiency Tests (PET) as indicated below:*

**PHYSICAL EFFICIENCY TESTS (PET)**

|                          | <b><u>Males</u></b>        | <b><u>Females</u></b>      |
|--------------------------|----------------------------|----------------------------|
| (a) 100 Meters race      | In 16 seconds              | In 18 Seconds              |
| (b) 800 Meters race      | In 3 minutes<br>45 seconds | In 4 minutes<br>45 Seconds |
| (c) Long Jump            | 3.5 Meters<br>(3 chances)  | 3.0 Meters<br>(3 chances)  |
| (d) Shot Put (7.26 Kgs.) | 4.50 Meters                | -----                      |

*These Tests will be only of qualifying nature and will not carry any marks. Failure even in one of these tests will amount to disqualification.”*

6. In view of the stipulations above, it is impermissible for the petitioner to claim that the respondents have not followed the prescribed rules when conducting the PET for candidates. We may also note that the Rules prescribed for training officers selected to the subject post, cannot be

adopted as a yardstick for selecting candidates for the subject post, as sought to be urged. The rules laid down by the respondents for filling up vacancies of Executive Commandants in the CISF are a part of the Notification dated 06.12.2017. We do not find that the respondents have deviated in any manner from the said Rules, for this Court to exercise the extra ordinary powers vested in it under Article 226 of the Constitution of India and interfere in the results declared by the respondents for the subject post.

7. In view of the aforesaid facts and circumstances, the present petition is dismissed *in limine*, as meritless.

**HIMA KOHLI, J**

**REKHA PALLI, J**

**OCTOBER 09, 2018**

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