

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.4795 of 2019

ORDER:

This Writ Petition is being disposed of at the admission stage with the consent of both the parties.

2. This Writ Petition is filed seeking Writ of Mandamus declaring the action of the respondents in conducting the Physical Efficiency Test (PET) pertaining to 800 meters run event by allowing 40 persons to participate in the race, which is contrary to practice as well as rules, as arbitrary and illegal and sought consequential direction to direct the respondents to conduct the event again for the petitioner to enable fair chance to him.

3. Heard Sri P.Ravi Kiran, learned counsel for the petitioner and Sri M.V. Rama Rao, learned Standing Counsel for the 2nd respondent.

4. It has been contended by the petitioner that the respondents have issued a notification vide proceedings No.89, dated 31-05-2018, for the post of Stipendiary Cadet Trainee (SCT) SI Civil and that the selection process consists of three phases; first stage being preliminary written test, followed by PET, and finally, written examination. Petitioner further contends that the petitioner had qualified in the preliminary written test and he was called for the PET. He further contended that the PET for him was conducted on

12-02-2019 and while the petitioner was participating in the 800 meters run, which is compulsory event, there was jostling among the participants. As the respondents made 40 persons at a time to participate in the 800 meters run event, which is contrary to the rules, the petitioner could not qualify because of the jostling among the 40 candidates and he has missed the qualifying mark by 1.63 seconds difference. He further contended that had the respondents conducted the test properly, the petitioner would have been qualified in the said test. The petitioner has immediately submitted a representation to the respondents on 15-02-2019 requesting to give an opportunity again to him by reconducting 800 meters run event as he was disqualified by only 1.63 seconds difference.

5. Learned counsel for the petitioner contends that the respondents neither considered the representation of the petitioner nor allowed him to participate once again in 800 meters run event. Therefore, he submits that appropriate orders be passed in the Writ petition directing the respondents to give one more opportunity to the petitioner and permit him to participate in the 800 meters run event once again.

6. Learned Standing Counsel for the 2nd respondent has submitted that the petitioner having participated in the 800 meter event and having not been qualified in the said event, cannot turn around by contending that one more opportunity should be given to him to participate in the 800 meter run event. If the request of the

petitioner is accepted, lakhs of candidates, who are disqualified, will approach the respondents to reconduct the 800 meters run event and then it would be unending process and consequently the respondents cannot complete the recruitment process. Hence, the contention of the petitioner cannot be accepted and therefore the Writ Petition itself is liable to be dismissed.

7. This Court, having considered the rival submissions made by the learned counsel for the respective parties, is of the considered view that the request of the petitioner cannot be entertained since the petitioner, having not been qualified in the said event, cannot turn around by contending that one more opportunity should be given to him to participate in the 800 meter run event. Moreover, the said contention raised by the petitioner would be available to all the other candidates who have participated and not qualified in the event. Therefore, this Court is not inclined to interfere in the matter so as to direct the respondents to consider the case of the petitioner for reconducting 800 meters run event.

8. The Writ Petition is devoid of merit and the same is accordingly dismissed. No costs.

9. As a sequel, the miscellaneous petitions pending, if any, shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

Date: 25-03-2019
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