

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION Nos. 3889 and 4420 of 2019

COMMON ORDER:

Since the issue involved in these writ petitions is one and the same, both these writ petitions are heard together and disposed of by this common order.

2. These writ petitions are filed seeking to declare the action of the respondents in conducting physical efficiency test without maintaining uniformity among all candidates and adopting two different kinds of methods in conducting Physical Efficiency Test in pursuance to the Notification No.RC.No.89/Rect./Admn-1/2018, dated 31.05.2018 for the direct recruitment of Stipendiary Cadet Trainee (SCT) Sub Inspector of Police (Civil), SCT RSI (AR), SCT RSI (SAR CPL), SCT RSI (TSSP), Station Fire Officer and Deputy Jailor, and Notification No.88/Rect./Admn-1/2018, dated 31.05.2018 for the direct recruitment of Stipendiary Cadet Trainee (SCT) Police Constable (Civil), SCT PC (AR), SCT PC (SAR CPL), SCT PC (TSSP), Firemen and Warders, in the Police Department; and in declaring the petitioners as not qualified; as arbitrary and illegal and for a consequential direction to the 2nd respondent to re-conduct the Physical Efficiency Test (PET) particularly in 800 meters run to the petitioners within one week as per Memorandum vide RC.No.88, 89, 90, 91/Rect./Admn.-1/2018, dated 11.02.2019 issued by the 2nd

respondent and to allow the petitioners to participate in further recruitment process.

3. It is the case of the petitioners that as per the aforesaid notifications the selection procedure is of five stages i.e. a) Preliminary Written Test b) Physical Measurement Test c) Physical Efficiency Test d) Final Written Examination and e) Final Selection; that all the petitioners were called for Physical Measurement Test and Physical Efficiency Test on 11.02.2019 at 6 a.m.; that as per the notification there are five events in Stage-C Physical Efficiency Test i.e. 1) 100 Meters Run 2) Long Jump 3) Shotput (7.26 Kgs.) 4) High Jump 5) 800 Meters Run; that out of the said five events, to qualify for the next stage of selection procedure, candidates must qualify in three events of Physical Efficiency Test and in those three events, qualification in 800 Meters run is a must for all the candidates. The grievance of the petitioners is that as per the schedule all the petitioners have appeared and qualified in Physical Measurement Test and after completion of the Physical measurement Test, in the evening session, the 2nd respondent conducted Physical Efficiency Test by which time all the petitioners were exhausted. It is also the grievance of the petitioners that among the five events of Physical Efficiency Test, the 2nd respondent conducted the event of 800 Meters run after completion of other four field events i.e. 100 Meters Run, Long Jump, Shotput (7.26 Kgs.), High Jump, without giving reasonable time of rest to the candidates, due to which they were exhausted and could not

complete the 800 meters run in 1070 seconds. It is the further case of the petitioners that the respondents have issued a Memorandum vide RC.No.88, 89, 90, 91/Rect./Admn-1/2018, dated 11.02.2019 and as per the said Memorandum the event of 800 meters run has to be conducted first and the persons who qualified in the 800 Meters run alone would be subjected to other physical events. But, in the case of petitioners, the respondents conducted the other four events first, and then subjected the petitioners to participate in 800 meters test in contravention of the aforesaid Memorandum dated 11.02.2019. The petitioners further contend that when qualification in 800 meters run is a must for every candidate the respondents would have conducted the said test as first event and then conduct the other events to the candidates who have qualified in 800 meters run. The petitioners further state that from 12.02.2019 onwards the respondents have conducted 800 meters run as a first event and thereafter conducted other four events to those who have qualified in the 800 meters run. But, the same procedure is not followed in the case of petitioners. The petitioners further contend that the respondents were supposed to conduct the Physical Efficiency Test strictly in accordance with Memorandum dated 11.02.2019. It is further stated that the petitioners would have qualified in the 800 meters run if the respondents conducted the same as a first event as per the Memorandum dated 11.02.2019.

4. Learned Standing Counsel appearing for the Telangana State Level Police Recruitment Board has contended that the respondents have followed the Memorandum dated 11.02.2019, from 12.02.2019; and that in respect of Physical Efficiency Test which was conducted on 11.02.2019 the said Memorandum was not made applicable. He further contends that no prejudice would be caused to the petitioners if the event of 800 meters run is conducted subsequent to the other events and in fact only a few number of candidates i.e. 159 were disqualified in the 800 meters run. He further contends that the candidates cannot insist the respondents to conduct the 800 meters run as a first event and then only conduct the other events.

5. This Court having considered the rival submissions made by learned counsel on either side is of the considered view that as per the notification, the candidates who are appearing for the Physical Efficiency Test must qualify in three events among the five events of Physical Efficiency Test and qualifying in the event of 800 meters run is a must for all the candidates. When qualifying in 800 meters run is a compulsory one, the respondents ought to have conducted the event of 800 meters run as a first event and then conduct the other events to those candidates who have qualified in the 800 meters run. Even as per the Memorandum dated 11.02.2019 it is clear that 800 meters run should be conducted in the beginning itself and then only those candidates who qualify in 800 metres run shall be allowed to the other field events after giving a reasonable period of rest. But, the

respondents have conducted the Physical Efficiency Test on 11.02.2019 in utter deviation of the said Memorandum dated 11.02.2019. The respondents have followed the Memorandum dated 11.02.2019 in respect of large number of candidates from 12.02.2019 on which day the respondents have conducted the event of 800 meters run as a first test and there after allowed the candidates to participate in the other events of physical efficiency test. The said principle ought to have been applied even in respect of the candidates who have been subjected to Physical Efficiency Test on 11.02.2019.

6. In view of the aforesaid facts and circumstances, the respondents are directed to re-conduct all the five events of Physical Efficiency Test to those candidates who were disqualified on 11.02.2019, strictly in terms of Memorandum dated 11.02.2019. It is also brought to the notice of this Court by the learned Standing Counsel for the 2nd respondent that the Physical Efficiency Test is being conducted on 28th and 29th of March 2019, as a last chance.

7. Accordingly, the writ petition is disposed of. No order as to costs.

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

ABHINAND KUMAR SHAVILI, J

26.03.2019
tk