

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.5053 OF 2019

ORDER

This writ petition is filed seeking the following relief:

“to issue a Writ of Mandamus or any other appropriate Writ, Order or Orders, direction or directions to declare the action of the respondents in not permitting the petitioner for participation in 800 mtrs run, by way of a second chance, for being considered for the post of Stipendary Cadet Trainee (SCT) Sub Inspector of Police (Civil) in pursuance to the Notification in Rc.No.89/Rect/Admn-I/2018, dated 31.05.2018, as arbitrary and unreasonable and to issue a consequential direction to the respondents to permit the petitioner to participate in the 800 mtrs run by way of a second chance for being considered for the post of Stipendary Cadet Trainee (SCT) Sub Inspector of Police (Civil) in pursuance to the Notification in Rc.No. 89/Rect/Admn-I/2018, dated 31.05.2018, and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

Heard Sri Vedula Srinivas, learned counsel appearing for the petitioner, learned Government Pleader for Home appearing for respondent Nos.1 and 3 and Sri M.V.Rama Rao, learned Standing Counsel appearing for respondent No.2.

It is the case of the petitioner that pursuant to the notification dated 31.5.2018 issued by the 2nd respondent, the petitioner has applied. The scheme of recruitment consists of preliminary written test, physical measurement test, physical efficiency test and final written examination. The physical efficiency test will be held in 100 meters & 800 meters run,

long jump, shot put, high jump. A candidate must qualify in any three events, but 800 meters run is a must for all the candidates. The candidates must complete 800 meters run in 170 seconds. He fared well in the preliminary written test and he had participated in physical measurement test and completed successfully. Initially, the physical efficiency test was scheduled to be held on 13th February, 2019, but he requested the respondents to postpone the said physical efficiency test due to his brother's marriage. The respondents have considered the said request and postponed the test to 27.02.2002. Though the petitioner fell sick, he participated in 800 meters run and completed the same in 173.25 seconds.

The grievance of the petitioner is that the respondents have given second chance to the candidates, who have completed 800 meters run test by taking one extra second i.e., 171 seconds. Since the petitioner has finished the said test in 173.25 seconds, he should be given second chance. Therefore, the petitioner has submitted a representation on 02.03.2019 requesting the respondents to permit him to participate in 800 meters test by giving second chance as was done in the cases of the candidates, who have completed the said test by taking one extra second. But, the respondents have not passed any orders on the said representation.

Learned counsel appearing for the petitioner submits that appropriate orders be passed directing the respondents to permit the petitioner to participate in 800 meters run test by giving second chance as was done in the cases of other candidates, who have completed the said test by taking one extra second.

Learned Standing Counsel appearing for the 2nd respondent submits that the standard prescribed in the notification is that one must complete 800 meters run within 170 seconds, and hence the question of relaxing the said prescribed time, does not arise.

Having considered the rival submissions made by the learned counsel on either side, this Court is of the considered view that the standard prescribed in the notification in respect of physical efficiency test cannot be relaxed and the petitioner cannot be given a second chance. If the petitioner is given a second chance, cases of all the unsuccessful candidates have also to be considered for second chance, which would result in unending exercise and the purpose of conducting physical efficiency test would be defeated. Hence, this Court is not inclined to interfere with the said selection process. There are no merits in the writ petition and the same is liable to be dismissed.

Accordingly, the Writ Petition is dismissed. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

13th March, 2019

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