

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.6233 OF 2019

ORDER

This writ petition is filed seeking the following relief:

“...to issue a writ, order or direction more in the nature of Writ of Mandamus declaring that the action on the part of the respondents in conducting the Physical Measurement Test improperly and disqualifying the petitioners to participate in subsequent events of Physical Efficiency Test as illegal, arbitrary and violative of Articles 14 and 16 of the Constitution of India and consequently direct the respondent No.1 to re-conduct physical measurement test and physical efficiency test and declare the results before the commencement of schedule of Final Written Examinations i.e., 20-04-2019 and validate the results for subsequent Final Written Examination subject to the outcome of results of petitioners and pass other orders in the interest of justice.”

Heard Sri Abhilash Ashrit Bobbili, learned counsel appearing for the petitioners, learned Government Pleader appearing for the 2nd respondent and Sri M.V.Rama Rao, learned Standing Counsel appearing for the 1st respondent.

It is the case of the petitioners that pursuant to the notification issued by the respondents on 31.05.2018, the petitioners have applied for the posts of Police Constable and Sub Inspector of Police. They have qualified in the preliminary written test. The respondents have issued intimation letters directing the petitioners to appear for the

Physical Measurement Test and Physical Efficiency Test scheduled to be held in the month of March, 2019. Accordingly, the petitioners have participated in Physical Measurement Test. When the respondents have disqualified the petitioners in Physical Measurement Test, the present writ petition is filed.

Learned counsel appearing for the petitioners submits that all the petitioners have produced the medical certificates to show that they are fit to undergo Physical Measurement Test, but the respondents have failed to take the measurements as per the medical fitness examination procedure and have erroneously recorded the chest expansion of the petitioners as “1 cm” and “3 cm” respectively in Physical Measurement Test, and disqualified the petitioners, but the requirement of chest expansion is “5cm”; that when the petitioners have noticed that the respondents have improperly recorded the chest measurements, they have submitted representations to the respondents to rectify their record sheet, but the respondents neither considered the representations nor rectified the measurements recorded in the record sheet; that the respondents have disqualified the petitioners and did not allow them to participate in the Physical Efficiency Test; that appropriate orders be passed

directing the respondents to re-conduct the Physical Measurement Test.

Learned Standing Counsel appearing for the 1st respondent submits that the petitioners having participated in the Physical Measurement Test, and having not been qualified, they cannot turn around and contend that physical measurements were erroneously recorded; that if the contention of the petitioners is to be accepted, then all the candidates, who were disqualified, will approach the respondents, which may lead to unending exercise of selection process, which is not permissible under Law; that there are no merits in this writ petition and the same is liable to be dismissed.

A perusal of the performance sheet of the petitioners discloses that they were disqualified on the ground that their chest expansion is only “1cm” and “3cm”. A normal person on breathing would have chest expansion of “1cm” and it is permissible for any prudent man to say that there is chest expansion of “1cm”. Whenever a candidate participates in Physical Measurement Test, definitely, there would be more than “1cm” expansion of chest. Further, all the petitioners have produced the fitness certificates, and in the medical examination, their chest expansion was “5cm”. In view of the

same, the respondents ought not to have disqualified the petitioners on the ground that their chest expansion is “1cm” and “3cm. Therefore, this Court is of the view that the recordings in the performance sheet are impracticable.

Accordingly, the Writ Petition is disposed of, directing the respondents to re-consider the cases of the petitioners and permit them to appear for Physical Measurement Test and Physical Efficiency Test scheduled to be held on 28.3.2019 & 29.3.2019 respectively. If the petitioners qualify in Physical Measurement Test, their cases will be considered for further selections, in accordance with Rules. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

26th March, 2019
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