

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILU

WRIT PETITION No.6711 of 2019

ORDER:

This writ petition is filed seeking the following relief :-

“.... to issue an appropriate Writ, Order of direction, preferably one in the nature of Writ of Mandamus and to declare the action of the respondents are not permitting the petitioners to participate in other events which was not done on 13.03.2019 in view of the leg injury and the respondents were assured that they are going to give another date to conduct leftover events in the next subsequent dates, but, so far the respondents were not called for the petitioners till date, the said action of the respondents is highly illegal, arbitrary, unreasonable, discriminatory and also in violation of Arts.14, 16 and 21 of the constitution of India and declare the same as bad in law and consequently direct the respondents to permit the petitioner to participate in the leftover events where the petitioners were not participated on 13.03.2019 pursuant to the Notification dated 31.05.2018 of the 2nd respondent”.

Heard Mr.C.Rajasekhar Reddy, learned counsel for petitioner and the learned Government Pleader for Home.

The writ petition, so far as the 1st petitioner is concerned, is dismissed as he was qualified and become eligible for the post of SCTPC (Civil).

Insofar as 2nd petitioner is concerned, it has been contended by the 2nd petitioner that he was subjected to physical efficiency test on 13.03.2019. The 2nd petitioner after being qualified in the 800 meter run event has suffered an injury to his leg and he was hospitalised. Owing to injury, the 2nd petitioner could not participate in the other events. Therefore, the 2nd petitioner, after recovering from the injury, has requested the respondents to

consider his case and permit him to participate in the physical efficiency test scheduled to be held on 28/29.03.2019.

Learned counsel for petitioner contended that owing to injury, the petitioner could not participate in the other events and the respondents have given assurance that his case would be considered at a later date. As the case of the petitioner is not considered, the present writ petition is filed.

Learned Standing Counsel appearing for the 2nd respondent has contended that as a last chance, the respondents are conducting physical measurement test/physical efficiency test on 28.03.2019 and 29.03.2019 at Hyderabad. Since the 2nd petitioner could not participate in the other events owing to injury suffered by him, the case of the 2nd petitioner cannot be considered. If the request of the petitioner is accepted, all the unqualified candidates would be flocking the respondents requesting to reconsider physical efficiency test, which would lead to unending exercise. Therefore, there are no merits in the writ petition and the same is liable to be dismissed.

A perusal of the performance sheet of the 2nd petitioner goes to show that for the task of 800 meters, the 2nd petitioner has completed the task in 164.1 seconds whereas the required time for one to qualify was 170 seconds. The 2nd petitioner was able to accomplish the task of 800 meters run event, which is a compulsory test and owing to injury, the petitioner could not participate in the other events.

This Court, having considered the rival submissions, is of the considered view that the ends of justice would be met if the respondents are directed to consider the case of the petitioner for

physical efficiency test conducted by the respondents on 28.03.2019 and 29.03.2019. However, the 2nd petitioner has to participate in all the events, including 800 meter event once again.

With the above observations, the writ petition is disposed of.
No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

ABHINAND KUMAR SHAVIL, J

Date: 28-03-2019
Prv



