

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.6987 of 2019

ORDER:

This writ petition is filed seeking the following relief:

“..to issue Writ, order or direction more in the nature of Writ of Mandamus, declaring the impugned action of the 2nd respondent in conducting Physical Measurement Test (PMT), particularly Height and Chest measuring by NOT following proper method and instead, following improper and non-serious methods of approach in measuring the Height and Chest, and as a result declared the petitioners herein as Not-Qualified for the direct recruitment of Stipendiary Cadet Trainee (SCT) Sub-Inspector of Police (Civil) SCT RSI (SAR CPL), SCT RSI (TSSP), Station Fire Officer and Deputy Jailer, Notification No. RC.No.89/Rect./Admin-1/2018 Dated: 31-5-2018 and 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, Notification No. RC.No.88/Rect./Admin-1/2018 Dated: 31-5-2018 as illegal, arbitrary, discriminatory and violative of Art.14, 16, 19 (g) and 21 of Constitution of India and consequently Direct and 2nd Respondent to Retake the height and chest (in case of petitioner no.6) of the petitioners herein forthwith and allow the petitioners herein to participate in the further selection process, in the interest of justice and to pass such other order or orders as this Hon'ble Court may deem fit, just and proper in the circumstances of the case.”

Heard the learned counsel for the parties.

It has been contended by the petitioners that they are fully eligible and qualified to be appointed as Sub-Inspector of

Police/Police Constable and they have responded to the notifications issued by the respondents for the post of Police Constable/Sub-Inspector of Police. The grievance of the petitioners is that the prescribed height for one to be eligible for the above said posts is 167.6 cms, but the respondents have erroneously measured the height of some of the petitioners and, in respect of some of the petitioners, the respondents have erroneously recorded the chest expansion measurements and as a result of it, the petitioners were declared not qualified in the Physical Measurement Test and Physical Efficiency Test. The petitioners further submit that the respondents themselves have considered the candidature of certain candidates who were marginally disqualified by re-measuring their height on 28th and 29th of March, 2019 and this Court had rendered judgment in rem on 28.03.2019 in W.P.No.6551 of 2019 directing that all the disqualified candidates on account of improper measuring of height and chest expansion be given second opportunity for re-measuring the height and chest expansion. The petitioners further contend that they have not received any message from the respondents to participate in the Physical Measurement Test scheduled on 28th and 29th of March, 2019 and consequently they could not be present on the said dates. The petitioners also contend that they fulfil the height criteria and also the chest expansion criteria as prescribed in the impugned notifications, but because of improper measurements done by the respondents, they were declared as not qualified and, therefore, they contend that their

cases be considered afresh and they shall be subjected to Physical Measurement Test by giving one more opportunity.

Learned Standing Counsel appearing for the respondents had submitted that as a last chance, the respondents have conducted Physical Measurement Test and Physical Efficiency Test on 28th and 29th of March, 2019 and the petitioners could not avail the opportunity, therefore, considering the petitioners' request to re-conduct Physical Measurement Test and Physical Efficiency Test would not arise and as such there are no merits in the writ petition and the writ petition is liable to be dismissed. Learned Standing Counsel further submits that if the petitioners' request is to be accepted, then scores of other candidates would flock at the respondents contending to re-conduct the Physical Measurement Test and Physical Efficient Test, which may lead to unending process and is not permissible as per the Rules and, therefore, even on this ground, the writ petition is liable to be dismissed.

This Court, having considered the rival submissions of the learned counsel for respective parties, is of the considered view that the petitioners could not avail the opportunity extended by this Court and also the respondents have again conducted the Physical Measurement Test and Physical Efficient Test on 28th and 29th of March, 2019 as a last chance. Since the petitioners could not avail the said opportunity, there cannot be a direction to the respondents to re-consider the cases of the petitioners and if the request of the

petitioners is entertained, then this may lead to unending exercise of considering the cases of disqualified candidates, which is not permissible under the Rules. Thus, there are no merits in the writ petition and the writ petition is liable to be dismissed.

Accordingly, the writ petition is dismissed. No order as to costs.

Pending miscellaneous applications, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

02nd April, 2019
v v

