

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.7244 of 2019

ORDER:

This Writ Petition is being disposed of at the admission stage with the consent of both the parties.

2. This Writ Petition is filed seeking a Writ of Mandamus declaring the action of the respondents in not considering the petitioner's case for re-measuring his height for the post of SCTPC Civil (Men) or equivalent post following the Notification, dated 31-05-2018 by considering the petitioner's representation dated 15-03-2019 as illegal and arbitrary and sought consequential direction to consider his case for re-measurement of height for the said post or equivalent post in pursuance of Notification, dated 31-05-2018.

3. Heard Sri M.R.Tagore, learned counsel for the petitioner and Sri M.V. Rama Rao, learned Standing Counsel appearing for 1st respondent.

4. The petitioner submits that he has responded to the Notification issued by the respondents for appointment to the post of SCTPC Civil (Men) and he was declared to have qualified in the preliminary written examination. Later, he was subjected to PMT and PET on 14-03-2019. The petitioner further submits that as per the recruitment notification, the required height to qualify in the PMT is 167.6 cms. He further submits that the respondents erroneously recorded the measurement of his height as '166.9' cms and rejected

the case of the petitioner. He himself got obtained a certificate issued by the CAS, Osmania General Hospital, dated 14-03-2019 showing that his height is 167.8 cms. He further submits that he has submitted representation on 15-03-2019 to the 1st respondent to re-consider his case and re-measure his height and upon such re-measurement, if it is found that the petitioner is having height of 167.6 cms., then consider his case for further selections. The grievance of the petitioner is that the respondents have not considered the representation nor permitted the petitioner to participate again in the PMT.

5. Learned counsel for the petitioner therefore contended that appropriate orders be passed in the Writ Petition directing the respondents to re-measure the height of the petitioner and do justice.

6. Per contra, learned Standing Counsel for the respondents on their own considered the cases of candidates who have disqualified on the ground of not possessing the requisition height and as a last chance, the respondents have given opportunity to all the candidates to participate again in the PMT on 28/29-03-2019 and to that effect, the respondents have intimated the candidates who were disqualified marginally with 0.3 cms and registered such of those cases and the last date for conducting PMT and PET was fixed as 28/29-03-2019 and the entire process of PMT is over and at this point of time, the case of the petitioner cannot be considered. Even the said date is over, the petitioner never approached the respondents on 28/29-03-2019. Had the petitioner appeared on 28/29-03-2019, the

respondents would have considered the case of the petitioner also and if the request of the petitioner is accepted at this point of time, then, it would lead to un-ending exercise and the respondents can never complete the recruitment process. Therefore, the Writ Petition is liable to be dismissed as there is no merit.

7. This Court, having considered the rival submissions made by both the parties, is of the considered view that the request of the petitioner cannot be entertained at this point of time as the last date for conducting PMT was over by 28/29-03-2019 and if the request of the petitioner is entertained, the cases of many unqualified candidates, who have missed the selections by small margins, are to be considered. Further, this Court earlier had dismissed W.P.No.6987 of 2019, dated 02-04-2019 on the ground that PMT is already over and petitioners therein cannot be permitted to seek re-examination of their physical measurements after the cut off date. Hence the Writ Petition is devoid of merit and the same is liable to be dismissed.

8. With the above observations, the Writ Petition is dismissed. No costs.

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

JUSTICE ABHINAND KUMAR SHAVILI

Date: 04-04-2019

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