

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILU

WRIT PETITION No.7426 of 2019

ORDER:

This writ petition is disposed of at the stage of admission with the consent of both the parties.

This writ petition is filed seeking the following relief :-

“.... to issue a Writ, Order or Direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents 2 and 3 not qualifying the petitioner to the post of Sub Inspector of Police and Police Constable posts in physical measurement test conducted on 28.3.2019 showing the height of the petitioner as 167 cms in the last attempt of the petitioner according to his age of 33 years, but originally the petitioner is having height as 167.6 cms as per the doctors certificate dated 31.03.2019 by not considering the respondents is illegal, arbitrary, against the principles of natural justice and also violative of Articles 14, 19 and 21 of the Constitution of India and consequently direct the respondents to permit the petitioner to participate in other events of PMT and PET to the post of Sub Inspector of Police and also Police Constable by considering the height of the petitioner as 167.6 cms as per the doctor certificate” .

Heard Mr.Syam Sunder Kondapalli, learned counsel for petitioner and the learned Government Pleader for Home.

It has been contended by the petitioner that he is fully eligible and qualified to be appointed in the Police Force and the respondents have issued Notification on 31.05.2018 to fill up the posts of Sub-Inspector of Police and Constable. The petitioner has responded to the said Notification and he was declared to have qualified in the preliminary written test. Thereafter, the petitioner was subjected to physical measurement test. According to petitioner, his height is 167.6 cms. and the said height is the

minimum height prescribed as per the Notification. But, the respondents have erroneously measured the height of the petitioner and declared him as unqualified. Thereafter, the respondents on their own have given second opportunity to such of those candidates, who could not qualify in respect of height measurement and second opportunity was given to all the candidates to participate in the second phase of physical measurement test on 28.03.2019 and the petitioner was subjected to re-measurement of his height on 28.03.2019 and again the respondents have rejected the case of the petitioner regarding the height of the petitioner as 167 cms, instead of 167.6 cms. As per the Medical Certificate issued by the Government Doctor, Sathupalli, the height of the petitioner is 167.6 cms. Therefore, learned counsel for petitioner contended that once again the petitioner be subjected to re-measurement of his height and give an opportunity to participate in the physical efficiency test.

Learned Government Pleader appearing for respondents has contended that as a last chance, the respondents have considered the cases of all candidates and conducted test on 28.03.2019 and even in the second phase of physical measurement test, the petitioner could not qualify himself in respect of height measurement. As per the Notification, the minimum height prescribed for the post of Sub-Inspector of Police as well as Constable is 167.6 cms., whereas the petitioner is fallen short by 0.6 cms. Hence, the case of the petitioner could not be considered. If the request of the petitioner is entertained, then every unsuccessful candidate would come forward for physical efficiency test and contends that his case may be considered,

which may lead to unending exercise and the respondents may not be in a position to complete the recruitment process.

This Court, having considered the rival submissions, is of the considered view that the petitioner was subjected to physical efficiency test for the second time and could not qualify in respect of height measurement. Therefore, the case of the petitioner cannot be considered once again. If the case of the petitioner is to be accepted, then other unqualified candidates may contend that they may be given opportunity till they get qualified, which may lead to unending exercise, which cannot be done in the interest of recruitment process. Therefore, there are no merits in the writ petition and the same is liable to be dismissed.

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

Pending miscellaneous petitions, if any, shall stand closed.

ABHINAND KUMAR SHAVIL, J

Date: 09-04-2019
Prv

