

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 7566 of 2019

ORDER:

This writ petition is filed for 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 in conducting Physical Measurement Test (PMT) and Physical Efficiency Test (PET) by using the RFID (Radio Frequency Identification Device) in a faulty manner producing faulty results and further changing the results manually by authorities to cover up the failure of RFID and also behaving rudely with the candidates complaining against the faulty manner adopted in holding the Physical Efficiency Test (PET) by formation of lines on the Track and overcrowding resulting in the increase of distance to be covered by the candidates and also resulting in overlapping and colliding of the candidates with each other and also use of tracks with broken borders causing dangers to the candidates particularly running barefoot as such they could not complete the run in time as in some cases the candidates were overtime by fraction of seconds in addition to the faulty usage of RFID technology by authorities producing faulty results due to lack of training in pursuance to the Notification Rc.No.88/Rect./Admn.-1/2018, dated 31.05.2018 for the direct recruitment of 16,925 posts and Notification Rc.No.89/Rect./Admn.-1/2018, dated 31.05.2018 for the direct recruitment of 1,217 posts and Notification Rc.No.90/Rect./Admn.-1/2018, dated 31.05.2018 for the direct recruitment of 231 posts and Notification

Rc.No.91/Rect./Admn.-1/2018, dated 31.05.2018 for the direct recruitment of 55 posts in various Police categories and in declaring the petitioners as not qualified and not meritorious; as unfair, unjust, arbitrary, unreasonable and illegal and violative of Article 14, 16 and 21 of Consitution of India and consequential direct the respondents to re-schedule and re-conduct the Physical Measurement Test (PMT) and Physical Efficiency Test (PET) without using RFID technology and by giving reasonable period of 45 days for preparation before conducting the Mains Written Examination and to allow the petitioners to participate in further recruitment process and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

2. Heard Smt.K.Sirisha, learned counsel for the petitioners and Sri M.V.Rama Rao, learned Standing Counsel for the 2nd respondent.

3. It is the case of the petitioners that the respondents have issued four different recruitment notifications for filling up various posts on 31.05.2018 and have collected individual fee along with the application forms. The grievance of the petitioners is that when the respondents have collected individual fee for each notification from each individual, they ought to have conducted four Physical Measurement Tests and four Physical Efficiency Tests. Instead, the respondents have conducted only one Physical Measurement Test and one Physical Efficiency Test for all the notifications which is contrary to the Rules and also notification. The petitioners have further raised a

ground about the usage of Radio Frequency Identification Device (RFID) for recording the timings of individuals while performing the events. The petitioners contend that because of faulty usage of RFID, they could not get qualified. The petitioners also raised a ground that the respondents made some selected candidates qualify by altering their performance sheets.

4. Learned counsel for the petitioners contended that the entire selection process of Physical Measurement Tests and Physical Efficiency Tests was conducted in an arbitrary and illegal manner, therefore, the Physical Measurement Tests and Physical Efficiency Tests which were conducted by the respondents during February and March are liable to be set aside and appropriate direction to be given to the respondents to re-conduct Physical Measurement Tests and Physical Efficiency Tests, once again, to the petitioners.

5. Learned Standing Counsel appearing for the 2nd respondent contended that in the notification itself they have specifically stated that they are going to conduct only one Physical Measurement Test and one Physical Efficiency Test for all the notifications/posts.

6. As far as the other ground raised by the petitioners in respect of usage of Radio Frequency Identification Device is concerned, the Standing Counsel has submitted that uniformly the respondents have applied the said device for recording the timings of candidates; and it

is not as if that the petitioners were disqualified because of failure of the said device.

7. In respect of other contention raised by the petitioners that the respondents have altered the performance sheets of some selected candidates, learned Standing Counsel has submitted that when a bonafide mistake has been noticed by the respondents they have corrected the said mistake; and by correcting a bonafide mistake no prejudice has been caused to the petitioners; and that there are no merits in the writ petition and is liable to be dismissed.

8. Having considered the rival contentions made by the learned counsel on either side, this Court is of the considered view that the factum of conducting only one Physical Measurement Test and one Physical Efficiency Test was very much stated in the notification itself which reads as follows;

“Note: Physical Measurement Test / Physical Efficiency Tests for all the Posts / Notifications applied for by a Candidate, will be conducted only once and the same scores will be used for all the Posts for which he / she is applying for among the Notifications with Nos.88, 89, 90 and 91 / Rect./ Amn.-1/2018, dated 31.05.2018.”

A perusal of the aforesaid ‘Note’ would make abundantly clear that the respondents are conducting only one Physical Measurement Test and one Physical Efficiency Test and petitioners are well aware that there would be only one Physical Measurement Test and Physical Efficiency Test as the same is mentioned in the notification itself. If

petitioners are aggrieved by the said 'Note', they ought to have challenged the notification itself. Having participated in the selection process and having not qualified, the petitioners cannot turn around and wake up the issue that the respondents have illegally conducted only one Physical Measurement Test and one Physical Efficiency Test.

9. As far as the other contentions are concerned, the said grounds were considered by this Court in WP.Nos.4690 of 2019 and batch, which were dismissed by this Court on 27.03.2019 by observing that if the plea of the petitioners is to be accepted, then, the same plea would be available to all the other candidates who were disqualified and they would also demand that their cases also must be reconsidered and the same would lead to unending exercise and the respondents cannot accomplish the task of recruitment.

10. The contention of the petitioners in respect of alteration of performance sheets of some selected candidates making them qualified is concerned, the respondents have corrected some mistakes after noticing the same as bonafide mistakes in respect of some candidates; and that a bonafide mistake can always be corrected at any stage and that itself would not cause any prejudice to the petitioners and the petitioners cannot have any grievance for correcting a genuine mistake in respect of certain candidates as admittedly petitioners are not qualified in the Physical Measurement Tests and Physical Efficiency Tests.

11. Having regard to the aforesaid facts and circumstances the writ petition is liable to be dismissed and the same is accordingly dismissed. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

ABHINAND KUMAR SHAVILI, J

10.04.2019
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