

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILU

WRIT PETITION No.8015 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 or Direction more particularly one in the nature of Writ of Mandamus directing the Respondents more particularly the Respondent No.2 to issue the Hall Tickets for the final Written examination to the Petitioner for the various posts vide notifications R.C.No 89/ RECT/ ADMN-1/ 2018, R.C.No.91/ RECT/ ADMN-1/ 2018, R.C.No.88/ RECT/ ADMN-1/ 2018 all dated 31/ 05/ 2018 without insisting for a qualification in the Physical Efficiency Test to be conducted on 20.04.2019, 21.04.2019, 27.04.2019, 28.04.2019 and 19.05.2019”.

Heard Mr.A.Abhisek Reddy, learned counsel for the petitioner and the learned Standing Counsel for the 2nd respondent.

It has been contended by the petitioner that he is fully eligible and qualified to be appointed to the post of Sub-Inspector of Police/Constable. The respondents have issued Notification on 31.05.2018 inviting applications for filling up the posts of Sub-Inspector of Police and Constable. Pursuant to the said Notification, the petitioner has appeared for the preliminary written test and he was declared to have qualified in the said examination. Later on, the next process of selection consists of physical efficiency test and the same was scheduled on 14.03.2019. However, the petitioner could not participate in the physical efficiency test, as he has suffered hair line stress fracture to his right leg and the Doctor advised him to take six weeks bed rest. Thereafter, the petitioner has

submitted a representation to the respondents on 19.03.2019 requesting to permit him to participate in the final written examination and that he would participate in the physical efficiency test after taking final written examination. But, so far, the respondents have not passed any orders on the said representation nor permitted the petitioner to appear for final written test.

Learned counsel appearing for the petitioner contended that appropriate orders be passed in the writ petition directing the respondents to permit the petitioner to appear for final written examination scheduled to be held from 20.04.2019 without insisting the petitioner to qualify in the physical efficiency test.

Learned Standing Counsel appearing for the 2nd respondent has contended that when the petitioner has suffered an injury during the month of February, 2019, he ought to have approached the respondents immediately, so that the respondents could have postponed the physical efficiency test. But, the petitioner has not approached the respondents. Further, now the entire physical efficiency test is over and concluded and at this stage, the request of the petitioner cannot be considered. If the petitioner's request is entertained, then all those candidates, who could not participate in the physical efficiency test, would approach the respondents insisting to permit them to appear for the final written examination without getting qualified in the physical efficiency test and the same may lead to unending exercise, which would not be in the interest of finalizing the recruitment process. Therefore, there are no merits in the writ petition and the same is liable to be dismissed.

This Court, having considered the rival submissions, is of the considered view that the request of the petitioner cannot be accepted, as nowhere in the affidavit the petitioner has stated with regard to the injury said to have been suffered by him except making a bald statement that he has suffered injury in the month of February, 2019. Further, in order to give an opportunity to all the candidates, the respondents have conducted physical efficiency test on 28.03.2019 and 29.03.2019 as a last chance, but even at that point of time also, the petitioner has not approached this Court. Now, when the final written examinations are likely to be commenced in a couple of days, the petitioner has approached this Court, that too in the eleventh hour. Therefore, at this stage, this Court is not inclined to grant any relief to the petitioner. If the petitioner is permitted to appear for final written examination without getting qualified in the physical efficiency test, it may lead to serious irregularity in the entire recruitment process. Hence, 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: 16-04-2019

Prv

