

**THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI**

WRIT PETITION NO.9731 OF 2019

**ORDER:**

This Writ Petition is filed seeking a Writ of Mandamus directing the respondents to conduct physical test with regard to 800 metres run and consequently, to allow the petitioner to appear for final written test to be held on 19.05.2019.

Heard Sri S. Krishna Mohan, learned counsel for the petitioner and learned Government Pleader for Home appearing for the respondents.

It has been contended by the petitioner that he is fully eligible and qualified to be appointed to the post of driver in the police department and the respondents have issued a notification for the post of drivers, constables and Sub-Inspectors on 31.05.2018. The petitioner has responded to the said notification and he has participated in the written examination and he has cleared the preliminary written examination. Later on, the petitioner was subjected to physical measurements test and physical efficiency test. Initially, the petitioner has claimed the benefit of ex-service men quota and the respondents, considering the petitioner as an ex-service man, had declared the petitioner to have qualified in the physical efficiency test even though the petitioner has scored 173.6 seconds in 800 metres event. Later on, the petitioner has brought to the notice of the respondents that by mistake he mentioned as ex-service man. The respondents, having considered the said request of the petitioner, had re-verified the performance sheet of the petitioner. The persons who participated in the physical efficiency test in 800 metre run event have to

complete 800 metre run test in 170 seconds. Since the petitioner could not accomplish the task of 170 seconds, the case of the petitioner was not considered and he was declared as not qualified in the physical efficiency test. The petitioner has further contended that during January, 2019 the petitioner met with an accident and consequently, he could not perform well in the physical efficiency test. Therefore, the counsel for the petitioner contends that one more opportunity should be given to the petitioner to participate in the 800 metre run event and upon such opportunity being given, the case of the petitioner to be considered based on the second opportunity in the 800 metre run test. Counsel for the petitioner further contends that the next recruitment stage is of driving which is likely to be conducted on 03.05.2019 and the case of the petitioner to be considered for driving test scheduled to be held on 03.05.2019.

This Court, having considered the said submission, is of the considered view that the petitioner having participated in the selection process and having participated in the physical efficiency test cannot turn around and contend that one more opportunity should be given to him. Initially, the petitioner has claimed as ex-service man and based upon such statement, he has been declared to be qualified and later on, the petitioner himself has submitted that he is not an ex-service man. Then the standards as applicable to the general public are made applicable to him and the case of the petitioner is not considered since he has not accomplished the 800 metre event in 170 seconds. Therefore, the petitioner cannot be permitted to attempt for the driving test without being qualified in the physical efficiency test. If the request of the petitioner has

to be entertained, all the candidates who have participated in the physical efficiency test would contend that they also should be given second chance to participate in the physical efficiency test which may lead to unending process of entertaining applications of the rejected candidates.

Hence, there are no merits in the Writ Petition and it is, accordingly, dismissed. There shall be no order as to costs. Miscellaneous petitions, if any, pending shall stand dismissed.

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**(ABHINAND KUMAR SHAVILI, J)**

30<sup>th</sup> April 2019  
RRB

