

THE HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.10630 of 2019

ORDER:

This writ petition is filed seeking a writ of mandamus declaring the impugned press release, dated 02.03.2019, of the 2nd respondent, by which, there is no uniformity in applying the rule of mathematical rounding off the readings among all 800 metres and 100 metres events, instead of following two different methods, as arbitrary, illegal and sought a consequential direction to apply the mathematical rounding off the readings of all events uniformly in the physical efficiency tests.

Heard Sri Ramesh Chilla, learned counsel for the petitioners and Sri M.V.Rama Rao, learned Standing Counsel for the 2nd respondent.

It has been contended by the petitioners that all of them are fully eligible and qualified to be appointed to various posts notified by the Telangana State Level Police Recruitment Board. The respondents have issued a recruitment notification, dated 31.05.2018, to the posts of Stipendiary Cadet Trainee (SCT) Police Constable (Civil), SCT Police Constable (AR), SCT Police Constable (SARCPL), SCT Police Constable (TSSP) in Police Department, Constable in Telangana Special Protection Force Department, Firemen in Telangana State Disaster Response and Fire Services Department and Warders (Male and Female) in Prisons and Correctional Services Department. The petitioners have responded to

the said notification and have participated in the selection process comprised of primarily written test followed up by physical measurement test and physical efficiency test and finally written examination. The petitioners further submitted that for one to clear the physical efficiency test, there will be five events and in respect of male candidates, 800 metres running test is compulsory and in respect of females 100 metres running test is compulsory and one must accomplish the task of 800 metres running test in 170 seconds and the task of 100 metres in 20 seconds. The petitioners have participated in the physical efficiency test, however, they have accomplished the task of 100 metres running test in a bit more seconds than permitted time and the petitioners have qualified in the four events out of five events and they became eligible for appointment to the posts of SCT Police Constable (Civil), Firemen in Telangana State Disaster Response and Fire Services Department and Warders (Male and Female) in Prisons and Correctional Services Department. As far as the other posts notified by the respondents such as SCT Police Constable (AR), SCT Police Constable (SARCPL) and SCT Police Constable (TSSP) and Constable in Telangana Special Protection Force Department are concerned, the requirement for appointment is that one must get qualified in all the five events of physical efficiency test. The petitioners have appeared for the final written examination and the said results have been declared. After declaration of the results, the petitioners have realized that the respondents, on their own, had issued a press note on 02.03.2019, wherein the respondents had given the

benefit of mathematical rounding off the readings from 170.0001 to 170.4999 seconds in respect of 800 metres and made certain candidates qualified and in respect of 100 metres the same was not extended to the petitioners. The petitioners submitted that if benefit is extended even in respect of 100 metres test in the said notification, the petitioners should have been qualified and eligible for appointment to the posts of SCT Police Constable (AR), SCT Police Constable (SARCPL) and SCT Police Constable (TSSP) and Constable in Telangana Special Protection Force Department.

Therefore, learned counsel for the petitioners submits that since the respondents are not extending the mathematical rounding off the reading in favour of the petitioners in respect of 100 metres test in pursuance to the press note, dated 02.03.2019, the petitioners became ineligible for applying to the above said posts. Therefore, learned counsel for the petitioners submits that appropriate orders be passed in the writ petition directing the respondents to extend the mathematical rounding off benefit even to the petitioners, as was extended to the other candidates, vide press note, dated 02.03.2019 and make them eligible for appointment to the posts of SCT Police Constable (AR), SCT Police Constable (SARCPL) and SCT Police Constable (TSSP) and Constable in Telangana Special Protection Force Department. He further submits that though the respondents have relaxed mathematical rounding off of reading from 170.0001 to 170.4999 seconds through press note, dated 02.03.2019, none of the candidates got benefited of such relaxation, as the performance sheet of all the

individuals shows the respondents have taken two decimals and not four decimals after the point.

Learned Standing Counsel appearing for the respondents had contended that since the petitioners have qualified in four events out of five events, they are eligible for appointment to the posts in Fire Services Department and Police Constables in Civil, therefore, they cannot turn around after appearing for the final examination and that too after announcement of the results. If the request of the petitioners is to be accepted, all unsuccessful candidates in 100 metres test would approach the respondents, which may lead to unending process. The petitioners approached this Court only after announcement of results, seeking mathematical rounding off in respect of 100 metres test. He further contended that in the press note, dated 02.03.2019, the mathematical rounding off benefit was extended only in respect of the 800 metres event, which is compulsory test, but 100 metres test is not a compulsory event and it is just one of the events to be qualified out of five events. So, the mathematical rounding off cannot be extended to the petitioners.

This Court, having considered the rival submissions of the learned counsel for respective parties, is of the considered view that the petitioners cannot seek relaxation of the timing set out in the notification. Admittedly, the petitioners have completed the 100 metres running test beyond the time stipulated in the notification and no further relaxation be given to the petitioners, and that too, after announcement of results by the respondents. The performance sheet of

all the candidates is recorded by the respondents in two decimals after the point, which would mean that the respondents intended to help by mathematical rounding off reading vide their press note, dated 02.03.2019. If none of the candidates are made eligible in terms of the relaxed conditions, this Court is not in a position as to how that would prejudice the case of the petitioners. Admittedly, the petitioners have not completed the 100 metres running test within the stipulated time of 15 seconds and even in the relaxed condition also the petitioners have crossed the exemption granted in the form of .11 seconds. At any rate, the petitioners cannot claim as a matter of right any exemption for relaxation of the conditions as set out in the notification. On this ground also, this Court is not inclined to interfere. 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.

Miscellaneous petitions pending, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

18th April 2019

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