

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.12468 OF 2019

ORDER

This writ petition is filed seeking the following relief:

“...to issue an appropriate writ, order or direction preferably in the nature of Writ of Mandamus declaring the action of the 2nd respondent not considering the petitioner's representations dated 10-10-2018, 12-11-2018, 19-12-2018 requesting for appointment of any suitable post as being illegal, arbitrary and violative of Articles 14 and 21 of the Constitution of India and consequently direct the 2nd respondent to consider the petitioner's representations dated 10-10-2018, 12-11-2018 and 19-12-2018 for appointment of any suitable post and pass appropriate orders thereon as expeditiously as possible and pass such other order or orders may deem fit and proper in the circumstances of the case.”

Heard Sri A.Aleem Mazid, learned counsel appearing for the petitioner and Sri M.V.Rama Rao, learned Standing Counsel appearing for the 2nd respondent.

It is the case of the petitioner that he is fully eligible and qualified to be appointed as Sub Inspector of Police. The 2nd respondent issued a recruitment notification dated 6.2.2016 for filling up the posts of Sub-Inspector of Police. In pursuance thereof, he had applied and was qualified in the preliminary written examination. Thereafter, he was called for the physical measurement test and physical efficiency test. During the course of physical efficiency test, at the time of participating

in long jump, the petitioner had fallen and his ankle was fractured. After recovery, the petitioner submitted representations on 10-10-2018, 12-11-2018 and 19-12-2018 requesting the respondents to permit him to participate in the physical efficiency test and final written examination. But, so far, no action has been taken.

Learned counsel appearing for the petitioner submits that though the petitioner submitted representations on 10-10-2018, 12-11-2018 and 19-12-2018, so far, no action has been taken and that the respondents be directed to pass appropriate orders on the said representations.

Learned Standing Counsel appearing for the 2nd respondent contends that the petitioner was never selected in the physical efficiency test and hence, he was not permitted to appear for the final written examination; that since there are no vacancies left vacant in the earlier notification issued on 6.2.2016, the question of considering the case of the petitioner does not arise; that the 2nd respondent issued another recruitment notification on 31.5.2018 and that there are no merits in the writ petition and the same is liable to be dismissed.

Having considered the rival submissions made by the learned counsel on either side, this Court is of the considered

view that since the petitioner has not cleared the physical efficiency test, he was not permitted to appear for the final written examination. In the absence of the same, the petitioner has no legal right to contend that his case can be considered for the post of Sub-Inspector of Police or any other suitable post. Further, in view of issuance of another notification dated 31.5.2018, the earlier notification to which the petitioner had responded, has also lapsed. There are no merits in the writ petition and the same is liable to be dismissed.

Accordingly, the Writ Petition is dismissed. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

24th June, 2019
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