

THE HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.14042 of 2019

ORDER:

This writ petition is being disposed of at the admission stage with the consent of both parties.

2. This writ petition is filed seeking a writ of Mandamus directing the respondents to allow the petitioner for pole climbing test in the third spell of the forthcoming pole climbing test to be conducted by the respondents in the second week of July, 2019.

3. Heard Sri D.L.Pandu, learned counsel for the petitioner and Sri Zakir Ali Danish, learned Standing Counsel appearing for the respondents.

4. It has been contended by the petitioner that he has applied for the post of Junior Lineman and he had participated in the selection process and pole climbing is one of the tests prescribed for the post of Junior Lineman. The petitioner had participated in the pole climbing test and he could not clear the said test since he was suffering with typhoid fever. Therefore, the petitioner had requested the respondents to permit him once again for the pole climbing test. The said representation of the petitioner was not considered. In those set of circumstances, the petitioner has filed the present writ petition seeking a direction to direct the respondents to permit the petitioner for pole climbing test.

5. Learned Standing Counsel appearing for the respondents had contended that the petitioner having participated in the pole climbing test and having not cleared the said test, cannot turn around and contend one more opportunity be given to him to participate in the pole climbing test. If the request of the petitioner is to be entertained, many other candidates would be requesting the respondents to give one more opportunity to participate in the said test. Therefore, it is not feasible to permit the petitioner to participate in the pole climbing test and there are no merits in the writ petition and the same is liable to be dismissed.

6. This Court, having considered the rival submissions of the learned counsel for respective parties, is of the considered view that the petitioner cannot be permitted for the pole climbing test for the simple reasons that he has participated in the pole climbing test and failed and after being unsuccessful in the said test, the petitioner cannot turn around and request to permit him by giving second chance. If the request of the petitioner is to be accepted, all unsuccessful candidates will be asking for pole climbing test, which is not the purport of selection process and which will go against the recruitment norms itself. There are no merits in the writ petition.

7. With these observations, the writ petition is dismissed.

Miscellaneous petitions pending, if any, shall stand closed. No order as to costs.

ABHINAND KUMAR SHAVILI, J

10th July 2019
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