

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

LPA-1327-2017 (O&M)
Date of Decision:03.02.2020

Ashok Kumar

...Appellant

Versus

State of Haryana and another

...Respondents

**CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH
HON'BLE MR. JUSTICE SANT PARKASH**

Present: None for the appellant.

Ms. Shruti Jain Goyal, DAG, Haryana.

JASWANT SINGH, J. (ORAL)

The present intra Court appeal under clause X of Letters Patent is directed against the order dated 04.07.2017 passed by the learned Single Judge, whereby the writ petition filed by the appellant was dismissed on the ground of delay in seeking relief.

This Court has heard the learned counsel for the respondent-State and perused the paper-book.

The conceded facts, which emerged, are that an advertisement dated 19.07.2015 was issued for direct recruitment to 5000 posts of male Constables (General Duty) by Haryana Staff Selection Commission. The selection process for such recruitment was as under:-

“Selection Process in Brief

Physical Screening Test (PST): All candidates shall be put to a Physical Screening Test carrying maximum of fifteen marks to judge their physical fitness and endurance. The qualifying standards prescribed for this test shall be as under:-

<i>Candidates</i>	<i>Test distance</i>	<i>Qualifying Time</i>
<i>1. Male</i>	<i>5.0 Kilometer</i>	<i>25 minutes</i>
<i>2. Female</i>	<i>2.5 Kilometer</i>	<i>15 minutes</i>
<i>3. Ex. Serviceman and candidates belonging to disbanded Haryana State Industrial</i>	<i>2.5 Kilometer</i>	<i>13 minutes</i>
<i>Security Force (HSISF)</i>		

Knowledge Test (KT):

An objective type Optical Mark Recognition (OMR) based written test of 60 marks shall be conducted of all those candidates who qualify the Physical Screening Test.

Physical Measurement Test (PMT):

The candidates after PST, KT and the scrutiny of documents shall undergo Physical Measurement Test as per standard prescribed under Punjab Police Rule 12.15 (2) read with 12.16 (9) (c).

Interview-cum-Personality Test:

Candidates shall be called for interview-cum-Personality Test on the basis of their combined scores in Physical Screening Test + Knowledge Test + Physical Measurement Test upto three times the numbers of vacancies in each category.

The person/applicant who qualifies PST shall be eligible to appear for KT and person qualifying KT shall be eligible for PMT and person qualifying PMT shall only be eligible for IPT.

The details of all the above stages and marks are available on the website.”

The petitioner competed for recruitment to the aforesaid posts of Constables in the category of Scheduled Castes. He appeared for the first test i.e. Physical Screening Test on 01.07.2016 at the appointed place. Since he could not qualify the said test, he was precluded from joining further process of selection.

It transpires that some of the candidates, who had failed in the Physical Screening Test, filed writ petition before this Court, with the primary contention that the timers used for recording the various

measurements were not correctly calibrated. The learned Single Judge, after examining the entire record including the videography of the test, found that process of conducting the Physical Screening Test was proper and as per the procedure, thereby dismissing all the writ petitions vide a detailed judgment dated 26.08.2016.

Some of the writ petitioners therein filed their respective LPAs, wherein on the concession furnished by the Advocate General, Haryana for considering such appellants as “special cases” for joining the further process of selection, the said LPAs were disposed of vide order dated 08.05.2017 (P-5) restricting the benefit only to the candidates who had approached the Court till 08.05.2017.

In view of the aforesaid order (P-5), the petitioner subsequently filed CWP No.14120 of 2017, which was dismissed on 04.07.2017 in the following terms:-

“It has been clarified by the State Counsel that the result of the said selection process has already been declared on 23.6.2017 and the selection process stands already completed.

It is thus apparent that the petitioner has already missed the bus and in the earlier cases the candidates had approached this Court before the date of holding of second examination which was conducted on 9.6.2017. In such circumstances any benefit which has been granted to another candidates cannot be sought now on the same parity keeping in view the facts and circumstances given above and the subsequent events.

Accordingly, finding no merit in the present writ petition, the same is dismissed.”

From the reading of order (P-5) and the conceded facts of the case, it is apparent that the appellant/petitioner, firstly, had accepted the findings of his result of Physical Screening Test conducted on 01.07.2016, wherein he had failed; secondly, as rightly noticed by the learned Single

Judge, the petition filed by him in the year 2017 suffered from delay and laches and lastly even in terms of the order (P-5) passed by the LPA Bench, the benefit was to be granted only to the persons who had filed writ petition earlier than 08.05.2017.

In view of the above, the present appeal stands dismissed.

(JASWANT SINGH)
JUDGE

(SANT PARKASH)
JUDGE

03.02.2020
mks

Whether speaking/reasoned:	Yes / No
Whether Reportable:	Yes / No