

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 1080 of 2021**

1. Vipin Banjare S/o Shri Sagar Chand Banjare, Aged About 26 Years, R/o Indira Colony, Near Panchayat, Palari, P.S.- Palari, District- Balodabazar- Bhatapara, Chhattisgarh
2. Prakash Kumar Markande S/o Shri Kali Ram, Aged About 29 Years, R/o Village- Majitha, Post- Bhaisa, Tahsil- Arang, District- Raipur, Chhattisgarh

---- Petitioners**Versus**

1. State Of Chhattisgarh Through The Secretary, Home (Police) Department, Atal Nagar, Mantralaya, Nawa Raipur, Chhattisgarh
2. The Director General Of Police, Police Headquarters, Block No. 4, Sector- 19, Near Indravati Bhawan, Atal Nagar, District- Raipur, Chhattisgarh
3. The Additional Director General Of Police, Police Headquarters, Block No. 4, Sector-19, Near Indravati Bhawan, Atal Nagar, District- Raipur, Chhattisgarh
4. The Deputy Inspector General Of Police (Administration) Police Headquarters, Block No. 4, Sector-19, Near Indravati Bhawan, Atal Nagar, District- Raipur, Chhattisgarh

---- Respondents

For Petitioners	:	Mr. Aditya Khare, Advocate
For State	:	Mr. Sudeep Verma, Dy. Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****16.03.2021**

1. The challenge in the present writ petition is in respect of the declaration

of the petitioners as disqualified on account of failing in physical test conducted for the said recruitment.

2. At the outset, this Court is of the opinion that the writ petition suffers from delay laches for the reason that the recruitment process was initiated in the year 2017 and the petitioners were subjected to physical examination in the year 2018 and in the course of physical efficiency test, the petitioners stood disqualified in 1500 meters race. The said disqualification of the petitioners in the year 2018 was never questioned by the petitioners before any forum or authority or any court of law and as such, the disqualification part has since attained finality. Subsequently, the department had cancelled the entire recruitment process itself which was subjected to challenge in a writ petition i.e. WPS No. 8633/2019 and also travelled before the Division Bench in a writ appeal i.e. Writ Appeal No. 620/2019 where the writ appeal was allowed and the respondent authorities were directed to continue with the recruitment process.
3. Merely because the writ appellate Court has allowed the writ appeal and permitted the further proceedings of the recruitment process to be conducted would not come to the rescue of the petitioners who already stood disqualified at the first round of selection itself and the disqualification part was never challenged by the petitioners at that point of time. The reopening of the recruitment process by way of the order of the Division Bench was confined to those persons who stood qualified all along in the said recruitment process and it cannot be reopened for those category of candidates who were already disqualified in the efficiency test conducted much prior to the recruitment process being cancelled which was subjected to judicial

review in the writ petition as well as in the writ appeal referred to in the preceding paragraph.

4. For the aforesaid reasons this Court does not find any strong case made out by the petitioners calling for issuance of any writ in favour of the petitioners. The writ petition thus fails and is accordingly rejected.

**Sd/-
P. Sam Koshy
Judge**