

CWP No. 8740 of 2021

Date of Decision: May 28, 2021

Palwinder Singh

.....Petitioner

versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Ishan Gupta, Advocate
for the petitioner

Mr. Charanpreet Singh, AAG Punjab

Sudhir Mittal, J. (Oral)

Communication dated 27.05.2021 sent by the office of Commissioner of Police, Ludhiana has been circulated through E-mail. The same is taken on record and is marked as Anneuxre 'R'. According to this communication, the seniority of the petitioner is likely to be effected as he can only be promoted upon passing the Upper School Course.

The petitioner has filed this petition for quashing of letter dated 01.04.2021 (Annexure P-12) whereby the applicant was not permitted to join the Upper School Course as the last date fixed for joining the said course was 04.04.2021.

The case of the petitioner is that he was declared medically unfit vide Medical Certificate dated 26.03.2021 (Annexure P-4) but was cleared vide report dated 05.04.2021 issued by the office of the Civil Surgeon, Ludhiana. Thereafter vide certificate Annexure P-10, he was relieved to join the duty w.e.f. 06.04.2021 and was directed to report at Punjab Police Academy Phillaur, however, he was not permitted to join in view of letter dated 01.04.2021.

From the above, it is evident that the delay was not attributable to the petitioner. It is also evident that in case he misses the course, his peers/subordinates may be promoted to the rank of Sub Inspector before him and, thus, his career is likely to be adversely affected.

Learned counsel for the petitioner has submitted that the course was suspended w.e.f. 20.04.2021 after it commenced on 19.03.2021 on account of ongoing COVID-19 pandemic. It is likely to re-commence on 07.06.2021. Meanwhile, only about 16 days of instructions have taken place as there were holidays. Even the candidates who were COVID positive joined after 04.04.2021 on production of RT-PCR negative report. It is not difficult for the petitioner to cover the instructions imparted in the 16 working days. In case he is unable to do so, he shall bear the consequences.

Learned State counsel, however, submits that the course is of 105 days duration, and the petitioner has infact missed about 32 days. Thus, he can not be permitted to join at this late stage. The course is currently under suspension and is to recommence on 07.06.2021.

Delay in reporting can not be attributed to the petitioner as has been noticed hereinabove. Assuming that the petitioner has missed 32 working days, he is prepared to take the risk of covering the loss by putting in extra effort. If he does not succeed, he will himself face the consequences. Learned State counsel has not brought to my notice any minimum period of attendance for clearing the course. Thus, no party would be adversely affected in case the petitioner is directed to join the course on 07.06.2021, the date when it is supposed to commence.

The petition is, accordingly, allowed. It is directed that the petitioner

be sent to Punjab Police Academy, Phillaur for the ongoing Upper School Course on or before 07.06.2021 so that he can undergo the same. It is for the petitioner to cover the lost instructions and he would not be entitled to seek any concession in this regard. He will take the course as if he had joined on the date the same commenced and will be evaluated accordingly.

May 28, 2021

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**[SUDHIR MITTAL]
JUDGE**

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No