

HONOURABLE SRI JUSTICE E.V.VENUGOPAL

WRIT PETITION No.45243 of 2022

ORDER:

This Writ Petition is filed under Article 226 of the Constitution of India, seeking the following relief:

“.....to issue an appropriate Writ, Order or Direction more particularly one in the nature of Writ of Mandamus declaring the action of the 2nd Respondent in conducting a Physical Measurement Test (PMT), Physical Efficiency Test (PET) for the recently delivered petitioners herein starting from 10/12/2022 to 14/12/2022 on par with others as part of the direct recruitment for the posts of SCT SI Civil and/or Equivalent SCT PC Civil and/or Equivalent, SCT PC IT and Co/Mechanic/Driver and Prohibition and Excise Constable without allowing representations from the Petitioners in which they made a request to conduct the events once they fit to participate after giving birth to a baby as illegal, arbitrary, discriminatory and violative of Art 14, 15(3), 16, 21 and 42 of Constitution of India and consequently Direct the 2nd Respondent to grant time to the Petitioners herein until they are fit and allow them to participate in the further selection process, without insisting on physical ability to complete the Physical Efficiency Test, in the interest of justice and to pass...”

2. Learned counsel for the petitioners submits that the petitioners are recently delivered women and candidates who have delivered babies after being qualified in the preliminary entrance test. He further submits that since these petitioners are facing post delivery complications requiring periodical time to recoup and regain energies to participate in the physical efficiency tests which were proposed to be conducted from 10.12.2022 to 14.12.2022 and submits that they may be given the benefit as was given to the pregnant women in W.P.No.44323 of 2022, enabling them to attend the next level of final written examination by giving an undertaking to the respondents that they would participate in the physical efficiency test as and when required if they are so qualified in the preliminary entrance test.

3. On the other hand, learned Assistant Government Pleader, representing learned Special Government Pleader, submits that the physical tests were conducted from 10.12.2022 to 14.12.2022 and therefore at this point of time intervention by this Court will completely hamper the selection process, as the petitioners have approached this Hon'ble Court at the 11th hour which would cause great hardship for conducting physical test to the other candidates. However, he submits that if any undertaking is given by the petitioners to participate in the physical efficiency test in due course of time, their cases will be considered in accordance with law and upon verification of their medical records/certificates as per law to enable them to participate in the next level of final written examination.

4. Having regard to the difficulties faced by the writ petitioners herein and also having regard to the order passed by this Court in W.P.No.44323 of 2022, this Court is inclined to direct the respondents to permit the petitioners to participate in the final written examination for the post of SCT SI Civil and/or Equivalent, SCT PC Civil and/or Equivalent, SCT PC IT and CO/Mechanic/Driver and Prohibition and Excise Constable without asking the petitioners to appear for Physical Efficiency Test subject to petitioners giving an undertaking before the respondents that they would undergo Physical Efficiency Test within one month from the date of publication of final

result, if they so qualify in the final written examination by enclosing the necessary recognized medical records/certificates.

5. Accordingly, the writ petition is disposed of. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition, shall also stand closed.

Dated: 26.12.2022
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JUSTICE E.V.VENUGOPAL