

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

LPA No.181 of 2022 (O&M)
Date of Decision: 20.05.2022

Rajeev

.....Appellant

Versus

State of Haryana and others

.....Respondents

**CORAM: HON'BLE MR.JUSTICE RAVI SHANKER JHA, CHIEF JUSTICE
HON'BLE MR.JUSTICE ARUN PALLI, JUDGE**

Present : Mr. Ravi Sharma, Advocate for the appellant.

Mr. Deepak Balyan, Addl.A.G. Haryana.

ARUN PALLI, J.

This is an *intra Court* appeal, under Clause X of the Letters Patent, against an order and judgment dated 10.01.2022, rendered by the learned Single Judge, vide which the writ petition preferred by the appellant has since been dismissed.

The facts that are required to be noticed are limited.

Vide an advertisement dated 15.06.2021, issued by the Haryana Staff Selection Commission (for short 'the Commission'), 400 posts of Sub Inspector (male) were advertised. Out of the total advertised posts, 56 posts were reserved for BC-A category. The appellant competed for selection under the said category. The selection criteria was comprised of Knowledge Test, Physical Screening Test and Physical Measurement Test. The written examination was held on 26.09.2021 and only those

candidates who qualified the said examination were shortlisted for Physical Screening Test (PST). Further, in terms of the advertisement, a candidate who failed to meet the standard prescribed for Physical Screening Test would stand eliminated from the selection process. The appellant appeared for Physical Screening Test on 23.10.2021. In terms of the selection criteria, he was required to cover the distance of 2.5 kilometers in 12 minutes, but he failed to qualify the test. Resultantly, he was not shortlisted for Physical Measurement Test (PMT). Aggrieved by his elimination from the selection process, he approached this Court vide CWP No.21723 of 2021, which was disposed of on 27.10.2021, with a direction to the competent authority to examine the grievance of the appellant and decide his representation. However, in the meanwhile, the details of the Physical Screening Test were uploaded and the Commission declared the final results on 31.10.2021. Whereafter, the appellant again approached this Court, vide a writ petition, referred to above, which was dismissed, vide impugned order and judgment. The records show that it was during the course of hearing before the learned Single Judge, learned counsel for the appellant placed on record a copy of the order dated 21.12.2021, passed in compliance to the order of this Court dated 27.10.2021 (*ibid*), whereby the Commission rejected the representation submitted by the appellant.

The learned Single Judge, upon analysis of the matter, concluded that the time taken by the candidates to cover the required distance within a specified time was recorded electronically by using Radio Frequency Identification Device (RFID) Technology. And, as per

the office records, the appellant had to complete the race of 2.5 kilometers in 12 minutes, whereas he finished it in 12 minutes and 550 milliseconds. Resultantly, he was disqualified. Further, each candidate was provided separate chest number and RFID tag. The candidates were required to pass through all the points of runway and time of completion of race was measured through RFID sensors, installed at the start and finish point of runway. The claim of the appellant that he finished the race within 11 minutes and 50 seconds was apparently erroneous as no candidate was allowed to carry any type of watch/stopwatch/device with him. Thus, the procedure adopted by the Commission was not only fair, just and reasonable but also eliminated any chance of impersonation or human error in recording the completion time. As regards the plea that the excess time (550 milliseconds) taken by the appellant to cover the requisite distance beyond the specified time of 12 minutes be excluded/ignored, the same was also rejected as that would not only be contrary to the selection criteria but would also result in treating unequals as equals.

We have heard learned counsel for the parties and perused the records.

Concededly, in terms of the selection criteria, the distance of 2.5 kilometers was required to be covered by the appellant in 12 minutes. And, a candidate who failed to meet the standard prescribed for Physical Screening Test would stand eliminated from the selection process. As per the office records and the result declared on the website of the Commission, the appellant finished the race in 12 minutes 550 milliseconds. Though, the case set out by the appellant was that he had

actually completed the race in 11 minutes and 50 seconds, but upon being confronted that RFID device was used to record the time electronically through sensors at the start and finish point of the candidates to complete the race, the said plea was not pressed and was formally given up before the learned Single Judge. And, in the given circumstances, the only prayer made was that the time period of 550 milliseconds, taken by the appellant beyond the prescribed time limit to complete the race, be excluded to enable him to compete for the next stage of the recruitment process. As indicated earlier, the requirement to complete the race within a specified time was a part of the selection criteria. A large number of candidates who competed for selection were evaluated/shortlisted on the strength of their score in the Physical Screening Test.

Upon being pointedly asked, learned counsel for the appellant could not refer to any provision or clause that envisaged any such relaxation/discretion. Obviously so, for any delusion in the prescribed standard/criteria/evaluating process would entail serious complications and vitiate the selection process. Needless to assert that there would be many, who were identically placed as the appellant and failed to finish the race within the specified time. Thus, the claim for waiver of 550 milliseconds is apparently erroneous and misconceived. Likewise, the reliance placed upon an order dated 08.05.2017, passed by the Division Bench of this Court, in **LPA No.1590 of 2016 (Vivek Singh and others Vs. State of Haryana and others)**, is wholly misplaced, since according to the factual matrix of the matter, the case of the candidates was treated as a special case and they were deemed qualified, as majority of them

failed to adhere to the final stage of the process, owing to lack of technical know-how (de-registration through thumb impression), because of which they were disqualified. Whereas, the position in the matter at hands is entirely distinct because no contentions were raised against the RFID process being faulty.

In the wake of the above, we are dissuaded to interfere with the impugned order and judgment, rendered by the learned Single Judge. The appeal being bereft of merit is accordingly dismissed.

(RAVI SHANKER JHA)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

20.05.2022
Manoj Bhutani

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No