

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CWP No.17356 of 2017(O&M)
Date of Decision: 08.02.2023**

VIKAS KUMAR

.....Petitioner

Vs

STATE OF HARYANA AND OTHERS

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Alok Mittal, Advocate
for the petitioner.

Ms. Palika Monga, DAG, Haryana.

RAJ MOHAN SINGH, J.(Oral)

[1]. The final result sheet of the petitioner in respect of marks secured towards Physical Screening Test (PST)+ Knowledge Test (KT)+Physical Measurement Test (PMT), Higher Qualification, NCC and Interview is placed on record in a sealed cover and after opening, the same is taken on record.

[2]. As per assessment, the petitioner has secured total marks to the tune of 61.65 and the last candidate in general category has secured 63.55.

[3]. Perusal of the record would show that while passing the

order dated 08.05.2017 in LPA No.1590 of 2016, learned Advocate General, Haryana made a statement that the authorities have reconsidered the whole matter as a special case and it has been decided to treat the appellants therein to have qualified the physical test. A formal order to this effect is shown to have been passed on 08.06.2017, wherein it has been unanimously decided to award qualifying 10 marks in Physical Screening Test to all such candidates, who had appeared in the Knowledge Test. On the basis of aforesaid assessment towards Physical Screening Test, the final result has been prepared, showing the petitioner to be not qualified.

[4]. The grievance of the petitioner is that vide order dated 19.09.2016, the appellants in LPA No.1590 of 2016, who have also filed the writ petition, were permitted to see the video-graphy after depositing fee of Rs.10,000/-. The petitioner has also seen his video-graphy and thereafter, filed this petition with the following averments in paras No.6 and 10 of the petition:-

“6. That the petitioner appeared in the physical screening test (PST) i.e. running 5 kms. In 25 minutes which was conducted from 15.06.2016 to 23.07.2016. The criteria adopted by the respondents for awarding the marks in Physical Screening Test (PST) is as follows;-Completion of PST in 24 to 25 minutes, marks is to be awarded 10, in 23 to 24 minutes, marks is to be awarded 11, in 22 to 23 minutes, marks is to be

awarded 12, in 21 to 22 minutes, marks is to be awarded 13, in 20 to 21 minutes, marks is to be awarded 14 and in 20 minutes or less, marks is to be awarded 15.

*10. That thereafter the petitioner appeared in the written examination and the PMT i.e. Physical Measurement Test and the interview and thereafter the result was declared. The petitioner however was astonished to see that the result of the petitioner in PST is 10 marks whereas the petitioner is entitled for higher marks as the petitioner had completed the distance of 5 kms. And less than 25 minutes. Further, the petitioner was shocked to see that the result of the written examination of the petitioner was withheld. A copy of the result of the petitioner is annexed herewith as **Annexure P-10**. For the sake of brevity only the result of the petitioner is being annexed. A perusal of the said result shows that the petitioner has been awarded 10 marks whereas as per the criteria adopted by the respondents, the petitioner ought to have been awarded atleast 14 marks. The petitioner is aggrieved of the said result on this count also.”*

[5]. The factual performance of the petitioner viz-a-viz the Physical Screening Test in the light of order dated 08.05.2017 passed by the Division Bench in LPA No.1590 of 2016 and the order dated 08.06.2017 passed by the Commission, cannot be enlarged in these proceedings. Based on uniform assessment of marks towards Physical Screening Test, the final result has

been prepared.

[6]. In view of above, there is no scope to enlarge the proceedings in this petition beyond the statement made by the learned Advocate General, Haryana and consequent awarding of uniform 10 marks to all the candidates, who had appeared in the Knowledge Test. The petitioner, if so advised, may avail his legal remedies in accordance with law.

[7]. The present petition is accordingly dismissed.

08.02.2023

Prince

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No