



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(222)

CWP No. 14317 of 2021 (O&M)
Date of Decision : 23.08.2024

Aasma Grover

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: *HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI*

Present: Mr. D.S. Patwalia, Senior Advocate with
Ms. Rishu Bajaj, Advocate for the petitioner.

Mr. Satnam Preet Singh, Deputy Advocate General, Punjab.

Mr. Hitesh Malik, Advocate
for the applicant in CM-19120-CWP-2021.

Mr. Gaurav Rana, Advocate
for the applicant in CM-10587-CWP-2022.

Harsimran Singh Sethi J. (Oral)

CM-19120-CWP-2021

Present application has been filed for impleading the applicant-
Karan Sharma as respondent No. 5 in the present petition.

Keeping in view the averments made in the application, which
are duly supported by an affidavit, present application is allowed. The
applicant-Karan Sharma is allowed to be impleaded as respondent No. 5 in
the present petition. The amended memo of parties attached with the present
application is taken on record.

CM stands allowed.

**CM-10587-CWP-2022**

Present application has been filed by the petitioner for impleading Akhil Kumar as respondent No. 6 in the present petition.

Keeping in view the averments made in the application, which are duly supported by an affidavit, present application is allowed. Akhil Kumar is allowed to be impleaded as respondent No. 6 in the present petition. The amended memo of parties attached with the present application is taken on record.

CM stands allowed.

CWP No. 14317 of 2021 (O&M)

1. In the present petition, the grievance of the petitioner is that she has wrongly been declared as 'Not Qualified' in the physical test, which was conducted for selection/appointment to the post of Deputy Superintendent of Police in pursuance to the Advertisement (Annexure P-1) issued in the year 2020.

2. Learned senior counsel appearing on behalf of the petitioner contends that as per the petitioner, she has cleared the physical test but has wrongly been declared 'Fail' in the long jump event during the physical test. Learned senior counsel submits that as per the video recording of the physical test provided to the petitioner, the petitioner has got certain photographs clicked from the said video recording to show that the petitioner has cleared the long jump.

3. Learned counsel for the respondents, on the other hand, submits that the petitioner's contention that she has cleared the physical test in the event of long jump is incorrect as, from the video clip of the said test



available with the State, it is clear that the petitioner failed to clear the long jump event, hence, the petitioner has rightly been rejected to proceed further so as to compete for selection to the post of Deputy Superintendent of Police in pursuance to the Advertisement (Annexure P-1) issued in the year 2020.

4. Learned counsel for the respondents further submits that there is no authenticity of the photographs, which are being relied upon by the petitioner so as to claim that she has cleared even the event of long jump while undergoing the physical test required to be cleared for the post of Deputy Superintendent of Police.

5. I have heard learned counsel for the parties and have gone through the record with their able assistance.

6. The present petition involves a disputed question of fact. The claim of the petitioner is that she has cleared the physical test including the long jump event, which is being rebutted by the State on the basis of a video footage of the physical test recorded at the time when the said test was conducted. This Court will not have the jurisdiction to assess as to whether the petitioner is correct or the respondents are correct.

7. At this stage, learned senior counsel appearing on behalf of the petitioner submits that once there is a video footage of the physical test conducted, which is being relied by the State only, the petitioner will be satisfied in case a Senior Officer of the Police Department is requested to adjudicate as to whether, on the basis of the video footage of the physical test, the petitioner has cleared the physical test or not and in case, the said Officer comes to the conclusion that the petitioner is 'Fail' in the physical test, the petitioner will not agitate the claim any further.



8. Learned counsel for the State raises no objection for the same.

9. The Director General of Police, Punjab is requested to designate an Officer not below the rank of Additional Director General of Police to go through the video clip of the physical test of the petitioner and make a report. In case, as per the report, the petitioner has cleared the long jump, appropriate decision with regard to the claim of the petitioner be taken by the respondent-authorities and in case, the Officer concerned comes to the conclusion that the petitioner has failed in the event of long jump, no further proceedings are required to be undertaken in that regard.

10. Let said process be completed within a period of three months of the receipt of copy of this order.

11. The present petition is disposed of in above terms.

12. Pending miscellaneous application, if any, also stands disposed of.

August 23, 2024
kanchan

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No