



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CWP-10704-2018 (O&M)

Date of decision: 11.08.2025

Deepak Singh Jasrotia

...Petitioner

VERSUS

Union of India and others

...Respondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present :- Mr. Padam Kant Dwivedi, Advocate for the petitioner(s).

Mr. Sudhir Nar, Sr. Panel Counsel,
for the respondent(s)-UOI.

VINOD S. BHARDWAJ, J. (Oral)

1. Challenging the action of the respondents in rejecting the candidature of the petitioner for appointment as a Senior Secondary Recruit in Indian Navy, at the stage of the Physical Fitness Test, (hereinafter referred to as 'the PFT'), in a wholly illegal and arbitrary manner, the instant writ petition has been filed.

2. Counsel for the petitioner contends that the respondents invited applications for appointment of Senior Secondary Recruit in Indian Navy. The qualification prescribed for the said post was 10+2 examination with Maths and Physics and at least one of these subjects: Chemistry/Biology/Computer Science from an Education Board recognized by Central/State Government. The candidate was required to be in the age bracket of 17-21 years on the day of enrollment. The petitioner fulfilled the education qualification as well as the age criteria and therefore applied for the same. He appeared in the written examination against application



No.SSR1881907885ON on 04.04.2018. The petitioner qualified the same and was thereupon required to appear for the PFT. As per the criteria, the petitioner was to complete a run of 1.6 kms in 7 minutes, 20 squats and 10 pushups. It has been averred by the counsel for the petitioner that the petitioner had successfully completed 1.6 kms run in less than 7 minutes and also successfully finished 20 squats, however, at the time of pushups, one of the Invigilators asked him to move out of the boundary without assigning any reasons. He was not permitted to undergo the rest of the PFT and was thus not called for the medical examination. He contends that a specific request letter was submitted by the petitioner on the same day about the High-handedness and the failure of the respondents to assign any reasons as to why he was not allowed to successfully complete the PFT, followed by a reminder, however, no action was taken. Hence the instant writ petition was filed making the following specific averments:-

“4. That the petitioner appeared for the Written Examination on the given date and time at the Examination Centre prescribed in the Call-Up Letter. The petitioner successfully cleared the Written Examination and on the same date was asked to appear for Physical Fitness Test at the same venue. As per the criteria, the petitioner was to complete a run of 1.6 kms in 7 minutes, 25 squats (to be read as 20 squats) and 10 pushups. The petitioner completed the run of 1.6 kms in less than 7 minutes and also finished the 25 squats successfully. However, as soon as he started the pushups, one of the



invigilators came and asked the petitioner to get up and was told to stand outside the boundary. The petitioner was not called for the Medical Examination meaning thereby his candidature was rejected at the Physical Fitness Test stage.

5. *That the petitioner was neither told nor provided with any recorded reasons for the rejection of his candidature and was told to leave the Examination Centre in most illegal and arbitrary manner. The petitioner made a written request to the Incharge of the Examination at the Centre seeking the completion of his Physical Fitness Test from the stage of 10 pushups since he had already cleared Written Examination, 1.6 kms Run and 25 Squats. However, his application was not entertained nor any acknowledgement given thereof. Thereafter, the petitioner made a representation to the respondent No. 2 seeking completion of his Test followed with medical checkup. A copy of the said representation is annexed herewith as Annexure P-4. However, no response has been received till date to the said request.”*

3. Counsel for the respondent(s), however, contends that the petitioner failed to qualify the PFT and was thus declared “unqualified.” Reference is made by him to the specific averments contained in paragraph Nos.4 and 5 of the reply which are reproduced hereinafter below:-

“4. *That the petitioner had reported to Naval Recruitment Centre, Jalandhar on 04.04.2018, where he had*



successfully cleared the written examination, thereafter he had undergone physical test which was conducted by the Officer in Charge(O/iC) on the same day. In the PFT the petitioner was declared unqualified as per the standard norms of the PFT. The result of the same was signed by OIC of PFT and Board President. The extract copy of the result of the PFT, declaring the petitioner as "unqualified" in physical test, is attached as Annexure-R3.

5. *That it is also pertinent to mention that this is not an isolated case where only the petitioner has been disqualified from the physical examination but there are 16 other persons also who were declared unqualified in the PFT."*

4. The result sheet Annexure R-3 has also been perused where the name of the petitioner figures at Sr. No.27. In the PFT, it has been mentioned unqualified, however, no reasons on the basis whereof he has been held as unqualified have been assigned in the result sheet. So much so, even in the reply filed by the respondents and extracted above, they have failed to disclose as to on what physical parameters, the petitioner was unsuccessful so as to declare him as unqualified candidate.

5. When this matter came up for hearing on 01.05.2018, the respondents had been directed to file a short reply alongwith the documents as to why the petitioner was not entitled to participate in the process and to apprise with record related to rejection of the petitioner's physical test on the next date of hearing. The specific details, however, were not furnished,



despite the order. Subsequently, when the matter was heard on 12.11.2024, it was specifically put to the counsel for the respondents to substantiate the averments as made in paragraph No.4 of the written statement. The matter has thereafter been adjourned on two occasions to grant opportunity to the counsel for Respondents to substantiate his claim. Notwithstanding lapse of time and multiple opportunities no reasons for rejection have been shown by the respondents. Even though learned counsel for the respondents has repeatedly asserted that the petitioner was unqualified, however, the physical standards or specific criteria on the basis of which the petitioner is alleged to have been found unqualified have not been disclosed or placed on record. The respondents cannot, in these circumstances, claim to have acted with fairness and transparency while withholding the primary material and documents laying the foundation of their decision to reject the petitioner's candidature. The non-disclosure of such essential particulars and primary documents not only undermines the respondents' stand but also prejudices the petitioner's rights.

6. Significantly, there is no indication in the result sheet as to whether the petitioner failed to complete the 1.6 kilometer run within the prescribed time of seven minutes, or was unable to perform the requisite 20 squats, or failed to execute the prescribed number of push-ups. In the absence of any such particulars, the rejection of the petitioner's candidature stands unsupported by demonstrable objective material, thereby rendering the decision non-transparent and susceptible to challenge on the grounds of arbitrariness and violation of the principles of natural justice.



7. A mere sweeping assertion that the petitioner is “unqualified” but unaccompanied by any disclosure of the documentary evidence proving the same, cannot withstand the test of transparency and fairness. Such a bald statement, devoid of particulars, scarcely meets, let alone satisfies, the rigorous standard of fairness, merit, transparency and judicial scrutiny required to uphold the rejection of a person’s candidature. The conscious withholding of information and failure to assign specific reasons despite ample opportunities, reflects only an adamant uncorroborated empty stand.

8. Even though the process of recruitment and its standards are always left to the discretion of the employer, however, the Constitution of India does not grant any exemption from the Rules of equality, fairness and transparency in the process of recruitment to any of the agencies. In an event of a person being held unqualified to further participate in a recruitment process, the burden falls upon the agency, which declares a person unqualified/disqualified, to establish that the decision to oust the candidature of a person was on valid grounds. Failure to make any such disclosure would invariably entail consequences and inferences against the recruiting agency.

9. In view of above discussion, this Court comes to a conclusion that failure by respondents in disclosing the complete material and establishing a valid justification in support of their action in holding the petitioner ineligible and unqualified for further participation is bad in law and is liable to be set aside.



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10. The same now leaves this Court with a question as to how the equities can be balanced and as to what relief the petitioner may be held entitled to at this stage. Counsel for the petitioner contends that now after a lapse of 7 years, he may not be in the same physical standards and it would be futile to ask the petitioner to clear the PFT again and appear for medical examination after clearing the PFT. He says that the equities be balanced and petitioner be suitably compensated for the wrong committed to him.

11. Undisputedly, a period of more than 7 years has elapsed since then. The petitioner, who was less than 21 years of age then, has already surpassed the maximum age bar and is nearly 27 years of age. Since the respondents, by their act have wrongfully deprived the petitioner of his entitlement for further consideration for appointment, the interest of justice would be well balanced in case the petitioner is suitably compensated for this act of wrongful ousting from the zone of consideration to public appointment. In the fitness of things, it is deemed appropriate that the respondents pay a lump sum compensation of Rs.2,50,000/- to the petitioner.

12. Let the needful be done by the respondents within a period of 3 months of receipt of a certified copy of this order, failing which, petitioner shall be entitled to interest @6% per annum from the date of passing of the order till payment.

13. **Allowed in above terms.**

(VINOD S. BHARDWAJ)
JUDGE

11.08.2025

Mangal Singh

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