



CWP-8696-2017
CWP-16015-2017

-1-

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

206

CWP-8696-2017

Date of decision: 07.01.2025

CONST. KULDEEP SINGH AND OTHERS

...PETITIONERS

Vs.

STATE OF HARYANA AND OTHERS

...RESPONDENTS

CWP-16015-2017

L/CT. MUKESH DEVI AND ANOTHER

...PETITIONERS

Vs.

STATE OF HARYANA AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Aditya Yadav, Advocate
for the petitioner(s).

Mr. Saurabh Mohunta, DAG, Haryana.

JAGMOHAN BANSAL, J (ORAL)

1. By this common order CWP-8696-2017 and CWP-16015-2017 are being disposed of since issues involved in both the petitions and prayer sought are common. With the consent of parties and for the sake of brevity, facts are borrowed from CWP-8696-2017.

2. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of selection list dated 11.04.2017 (Annexure P-4) whereby petitioners have been denied opportunity to join Lower School Course and the private respondents have been permitted for the same.

3. The petitioners are part of Haryana Police Force and they are holding rank of Constable. The respondent in 2016 conducted written and



CWP-8696-2017
CWP-16015-2017

-2-

physical test to enroll Constables for Lower School Course. It is apt to notice here that Lower School Course is meant for the rank of Head Constable. The respondent conducted written as well as physical test. 60 marks were prescribed for written test and 20 for parade test. Petitioner Nos. 1, 2 and 3 secured 59.25, 53, 52.5 marks respectively out of 60 in the written test. The marks assigned for parade test were bifurcated under different heads. The heads notified by respondent were as below:-

(i) Turn Out	3 Marks
(ii) Personal performance in rifle exercise	3 Marks
(iii) Personal performance in squad drill	3 Marks
(iv) Word of command	3 Marks
(v) Ability to give squad drill instructions	3 Marks
(vi) Endurance Test 1500 meters run within 7 minutes	5 Marks
Total	20 Marks

4. The petitioner No. 3 concededly participated in the parade test and there were 3 marks for Turn Out still he was awarded ‘0’. He was further awarded ‘0’ under other heads. Awarding of ‘0’ under heading Turn Out despite his presence indicates that there was intentional lapse on the part of authorities conducting the test. The act of respondent is deprecable. It is a case of gross misuse and abuse of power. The respondent is not running a private limited company whereas it conducted a test for a disciplined force. The Authorities conducting test were not expected to act as per their whims and caprice.

5. Mr. Saurabh Mohunta, DAG, Haryana expressed his inability to point out how petitioner No. 3 was assigned ‘0’ under heading Turn Out despite



CWP-8696-2017
CWP-16015-2017

his presence. He further failed to point out how a pregnant lady was assigned 12 marks out of 20 in parade which involved physical activities. The petitioner No. 3 secured more than 90% marks in written test and he was working as Constable, thus, it could not be expected that in every test, he would get ‘0’.

6. In the wake of above discussions and findings, this Court is of the considered opinion that the petitions deserve to be allowed and accordingly allowed.

7. The respondents are directed to conduct fresh parade test of petitioners and if they achieve minimum marks, they would be deputed for Lower School Course and their date of clearance of test would relate back to the exam conducted in 2016.

07.01.2025
manoj

[JAGMOHAN BANSAL]
JUDGE

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