

(2018) 12 RAJ CK 0116
In the Rajasthan High Court
Case No : Civil Writ No. 16540 Of 2018

Bhagirat And Ors

APPELLANT

Vs

State Of Rajasthan And Ors

RESPONDENT

Date of Decision : 03-12-2018

Acts Referred:

Citation : (2018) 12 RAJ CK 0116

Hon'ble Judges : Arun Bhansali, J

Bench : Single Bench

Advocate : S.S. Choudhary, Dinesh Ojha, P.R. Singh

Final Decision : Dismissed

Judgement

This writ petition has been filed on 22.10.2018, inter alia, alleging that during the Physical Efficiency Test ('PET') conducted for recruitment to the post of Constable-2018 on 10.09.2018 for petitioners No.1 & 2, on 08.09.2018 for petitioner No.3 and on 09.09.2018 for petitioner No.4, the ground was muddy, which effected the performance of the petitioners. The pleas as raised by the petitioners is that on account of ground being muddy, the petitioners failed to achieve the requisite bench mark i.e. 5 kms run in 25 minutes and failed and, therefore, they may be permitted one more opportunity in this regard.

A reply to the petition has been filed by the respondent-State, inter alia indicating that the petitioners have made incorrect averments in the writ petition, inasmuch as, the petitioners No. 2 to 4 had qualified in the run and were awarded marked thereof, however, they could not secure the cut-off marks and, therefore, were not selected.

Faced with the said situation, learned counsel for the petitioners made submissions that the performance of the petitioners No. 2 to 4 was also effected on account of muddy ground and in case, the conditions were appropriate they would have secured better marks and, therefore, they are entitled for another opportunity.

Reliance has been placed on judgment in Revant Ram Meghwal v. State of Raj. & Ors.: SBCW No.13731/2018, decided on 27.11.2018. With reference to the said judgment, learned counsel for the respondents submitted that in the said judgment, the status of the ground based on the commissioner's report has been accepted, wherein on 10.09.2018 at 10.31 am, the ground has been indicated as 'somewhat muddy' and on 11.09.2018 at 10.32 am, the same has been indicated as 'reasonably firm & dry' and, therefore, the case of the petitioner No.1, who had undertaken the run at 1.04 pm on 10.09.2018, has no basis.

Submissions have also been made that the petitioners have approached this Court after a huge delay and, therefore, the petitions are liable to be rejected on that count.

I have considered the submissions made by learned counsel for the parties and have perused the material available on record.

In the case of Revant Ram Meghwal (supra), this Court after going through the commissioner's report pertaining to the various PETs involved, had issued directions for holding fresh PET for deserved candidates.

In the said judgment qua the condition of the Track on 08.09.2018, 09.09.2018 and 10.09.2018, observations have been made indicating the same as somewhat muddy, swampy, muddy & potholed, pretty muddy and slightly muddy qua the 3 period, which have been indicated for petitioners No. 2 to 4. There is substance in the submission made by learned counsel for the petitioners that in case the conditions were idle, they would have obtained higher marks.

In the above fact situation wherein qua the petitioner No.1, the indications from the judgment in the case of Revant Ram Meghwal (supra) are that the condition of the track was appropriate and the petitioner had only completed 12 laps instead of 13 in 22:45 minutes and had failed though he still had time to complete the last lap, the said petition has no substance.

Insofar as the petitioners No. 2 to 4 are concerned, though they have qualified within the given time, however, could not make up the cut-off on account of lower marks in the PET.

In view of the above, they are entitled for one more opportunity as similarly situated petitioners in the case of Revant Ram Meghwal (supra) and other similar petitions.

Consequently, while the writ petition qua the petitioner No.1 is dismissed and the same qua the petitioners No. 2 to 4 is allowed. The result of the petitioners No. 2 to 4 pertaining to the PET conducted by the respondents is quashed and set-aside. The respondents are directed to hold fresh PET for the petitioners No. 2 to 4 on 15.12.2018 at Rajasthan Police Training Centre, Mandore Road, Jodhpur and based on the performance of the petitioners, if they pass the PET and appear in the merit-list, they shall be granted appointment from the date other candidates were granted appointment pursuant to the recruitment with actual benefits from

the date of appointment.