
(2019) 01 RAJ CK 0271
In the Rajasthan High Court
Case No : Civil Writs No. 23733 Of 2018

Komal Kumari

APPELLANT

Vs

State Of Rajasthan And Ors

RESPONDENT

Date of Decision : 07-01-2019

Acts Referred:

Citation : (2019) 01 RAJ CK 0271

Hon'ble Judges : Alok Sharma, J

Bench : Single Bench

Advocate : Vinod Singhal, Vibhuti Bhushan Sharma, HC Kandpal

Final Decision : Dismissed

Judgement

The case of the petitioner is that she having passed the written examination for appointment to the post of Constable under the Rajasthan Police Subordinate Service Rules, 1989 (hereafter 'the Rules of 1989') held pursuant to the advertisement, was called for the Physical Standard Test (PST) and thereafter required to participate in the Physical Efficiency Test (PET) which entailed running 5 kms within the prescribed time on 5.9.2018 at Lohagarh Stadium, Near Numaya Maidan, Bharatpur. The petitioner submits that albeit the running track was changed from Lohagarh Stadium, Bharatpur to Police Training School, Bansi Khurd, Bharatpur, but at the time the PET under the Rules of 1989 was conducted on 5.9.2018 at Bharatpur, the said running track was also muddied for reason of heavy rains which resulted obstructing the petitioner's performance up to her potential and resultant disqualified. It has been submitted that the petitioner should in the circumstances be allowed another opportunity as allowed to several candidates who failed the PET at Kota on 8/9/10 September, 2018 vide order dated 27.11.2018 passed by the Principal seat of this Court at Jodhpur in the case of Revant Ram Meghwal & Others vs. State of Rajasthan & Others and other connected matters, SBCWP No.13731/2018, in the course of recruitment of Constables under the advertisement dated 25.5.2018.

Reply to the petition has been filed. It has been submitted that initially PST was to be conducted at Lohagarh Stadium, Near Numaya Maidan, Bharatpur, but the members of the Selection Board did not find the running track at Lohagarh Stadium, Bharatpur suitable for holding the PET. Resultantly the place of holding the PET from Lohagarh Stadium, Bharatpur was changed to Police Training School, Bansi Khurd, Bharatpur. It has further been submitted that the petitioner was required to complete 5 Kms. Or to take 13 rounds in 30 minutes, but she on her own took 15 rounds in 00:32:40:250 minutes. In this view of the matter, exact running of the petitioner within 30 minutes prescribed time, on requisite intervals, as mentioned below, could not be noted:

पद

दूरी

समय

अंक (कानिसामान्य/ऑपरेटर)

पुरुषों के लिये

05 किमी

20 मिनट एवं 20

मिनट से कम

15

20 मिनट से

अधिक एवं 22 मिनट

तक

10

22 मिनट से

अधिक एवं 25 मिनट

तक

5

महिलाओं के लिये

05 किमी

26 मिनट एवं 26

मिनट से कम

15

26 मिनट से

अधिक एवं 28 मिनट

तक

10

28 मिनट से

अधिक एवं 30 मिनट

तक

It has been submitted that after not having objected at the relevant time, if at all the petitioner could, she has belatedly approached this Court only on 16.10.2018 i.e. after a delay of over one month and ten days from the date of PET in which she was declared not qualified. The delay in approaching this court is unexplained and infact indicates that the case set up by the petitioner is a mere afterthought/ with an cynical intent to misuse the discretionary jurisdiction of this court. That cannot be countenanced by the court. Further, appointments as Constable in District Karauli of those who participated in PST/PET at Bharatpur on due date/s successfully have already been made and they are presently in training for over the last two months.

Heard. Perused the petition. Considered.

Admittedly the petitioner's PET was to be held on 5.9.2018 at Lohagarh Stadium, Bharatpur, which due to unsuitability of running track, was changed to Bansi Khurd, Bharatpur. The petitioner was required to complete 5 kms. race or to complete 13 rounds within 30 minutes, but she took 15 rounds in 00:32:40:250 minutes for reason of which her exact running time could not be noted and prescribed marks therefor on requisite intervals could not be given. The petitioner did not object at the relevant time, but having declared not qualified in PET, she approached this court on 16.10.2018, after an inordinate and unexplained delay of over one month and ten days. Since then the selection process has been completed and those appointed are undergoing training for over the last two months. The issue with regard to the condition of track in the course of PET for recruitment of Constable in other Districts and Court's order thereon is of no event for the purpose of PET at Bharatpur. Aside of the delay in filing this petition, there is nothing on record to even prima facie justify the petitioner's allegation.

In view of the overall facts of the case, I am inclined to dismiss this petition both for reasons of laches and it not being supported by any material to make out a case of the petitioner's legal right being infringed.

Petition is accordingly dismissed.