
(2018) 12 RAJ CK 0337
In the Rajasthan High Court
Case No : Civil Writs No. 26192 Of 2018

Kuldeep Sharma

APPELLANT

Vs

State Of Rajasthan And Ors

RESPONDENT

Date of Decision : 19-12-2018

Acts Referred:

Rajasthan Police Subordinate Service Rules, 1989 — Rule 14

Citation : (2018) 12 RAJ CK 0337

Hon'ble Judges : Alok Sharma, J

Bench : Single Bench

Advocate : Anil Tiwari, HC Kandpal

Final Decision : Allowed

Judgement

Counsel for the petitioner submitted that having passed the written examination for the post of Constable pursuant to the advertisement dated 25.5.2018, the petitioner in terms of Rajasthan Police Subordinate Service Rules, 1989 (hereafter 'the Rules of 1989') was required to participate in Physical Standard Test under Rule 14 of the Rules of 1989 which he did and was declared fit on the requisite physical standards. The petitioner was then required to undertake a Physical Efficiency Test (hereafter 'PET') and for the purpose was required to report on 6th September, 2018 at Maharo Umed Singh Stadium, Nayapura, Kota. It has been submitted that however PET could not take place on 6th September, 2018 as earlier notified for reason of Bharat Bandh and was postponed to 9th September, 2018. It has been submitted that PET was conducted on 9th September, 2018 but for reason of heavy rains resulting in muddy track the petitioner could not perform as per his potential and failed to pass it. It has been submitted that issue of bad weather conditions for candidates who participated in PET at Maharo Umed Singh Stadium, Nayapura, Kota on 9th September, 2018 came up for consideration of the Principal Seat of this Court in the case of Revant Ram Meghwal & Ors. Versus State of Rajasthan & Ors. (SBCWP No. 13731/2018) and other connected matters, whereby on the basis of

report of the Commissioner appointed by the Court, vide order dated 27.11.2018, it was held that PET for the post of Constable held at Maharo Umed Singh Stadium, Nayapura, Kota inter-alia on 9th September, 2018 was vitiated for reason of muddy track resulting from bad weather conditions, due to which the candidates could not perform upto their optimum level. The Court directed that PET of such candidates who participated in the PET on 9th September, 2018 at Maharo Umed Singh Stadium, Nayapura, Kota be held afresh. It has been submitted that petitioner's case is identical on this aspect to that of Revant Ram Meghwal Versus State of Rajasthan & Ors. (supra), and hence same relief be granted to him.

Mr. HC Kandpal, Asstt. Government Counsel fairly submitted that in the case of Revant Ram Meghwal Versus State of Rajasthan & Ors. (supra) and other connected matters decided on 27.11.2018 the Court, indeed is based on report of Commissioner appointed by the Court. The Court held that the PET at Maharo Umed Singh Stadium, Nayapura, Kota on 9th September, 2018 was not appropriately conducted as it was under adverse weather conditions more particularly the muddy track for reason of which several candidates could not perform to their potential. He submitted that in this view of the matter, petitioner being similarly placed as other unsuccessful candidates who participated in PET on 9th September, 2018 at Maharo Umed Singh Stadium, Nayapura, Kota and have been allowed a second chance for evaluation of their physical efficiency be also similarly be allowed to participate in the PET afresh.

The upshot of the aforesaid submissions is that this petition has to be allowed. It is so allowed in terms of the judgment of this Court in the case of Revant Ram Meghwal & Ors. Versus State of Rajasthan & Ors. (supra) and other connected matters to the extent it relates to the holding of PET afresh for those who earlier participated in it on 9th September, 2018 at Maharo Umed Singh Stadium, Nayapura, Kota despite bad weather and a muddy track.