
(2019) 09 RAJ CK 0229

In the Rajasthan High Court

Case No : Civil Writ Petition No. 14232 Of 2019

Manish Bishnoi And Ors

APPELLANT

Vs

State Of Rajasthan And Ors

RESPONDENT

Date of Decision : 25-09-2019

Acts Referred:

Rajasthan Police Subordinate Service Rules, 1989 — Rule 21(3)

Citation : (2019) 09 RAJ CK 0229

Hon'ble Judges : Arun Bhansali, J

Bench : Single Bench

Advocate : Kailash Jangid, Kailash Choudhary, Manish Vyas

Final Decision : Dismissed

Judgement

This writ petition has been filed by the petitioners seeking a direction to the respondents to call the petitioners for Physical Efficiency Test ('PET') pursuant to the recruitment held for the post of Sub-Inspector / Platoon Commander.

It is inter alia indicated in the writ petition that the petitioners applied for the post of Sub-Inspector pursuant to the advertisement dated 5.10.2016 (Annex.1). The admit cards were issued to the petitioners and their category was indicated as B.C.

In the result declared by the RPSC on 26.8.2019, the petitioners' roll number did not appear in the list of candidates called for PET.

The cut-off for petitioners' category was indicated at 201.90 marks. The mark-sheet (Annex.4) issued to the petitioners indicated that the petitioner - Mahendra Babal had obtained 182.50 marks i.e. 97.59 in General Hindi and 84.91 in G.K. and General Science and petitioner - Manish Bishnoi had obtained 175.26 marks i.e. 74.91 in General Hindi and 100.35 marks in G.K. and General Science.

It is submitted by learned counsel for the petitioners that in the advertisement it was specifically indicated that the candidates who obtain 36% marks in each

paper and 40% in aggregate shall be deemed to have passed the qualifying examination and as the petitioners have obtained 36% in each paper and 40% in the aggregate, the action of the respondents in not calling the petitioners for the PET, is not justified and, therefore, the respondents be directed to call the petitioners for the said purpose.

Learned counsel appearing on caveat made submissions that the reliance placed on the stipulation made in the advertisement is baseless, inasmuch as, as per provisions of Rule 21(3) of Rajasthan Police Subordinate Service Rules, 1989 ('the Rules of 1989'), the Commission has sent a list of candidates upto 20 times of the vacancies and a look at the list produced indicates that as many as 11346 candidates have been called for PET. The petitioners have admittedly obtained less marks than the cut-off and, therefore, they are not entitled to any relief.

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

The facts are not in dispute, whereby, the petitioners have obtained lesser marks than the cut-off as indicated in the result dated 26.8.2019. The basis of the present petition is the following stipulation contained in the advertisement:-

"Candidates who obtain 36% of marks in each paper and 40% in the aggregate, shall be deemed to have passed the qualifying examination."

The above indication is outcome of the stipulations made in Rule 21(3) of the Rules of 1989, which reads as under:-

"(3) Candidates who obtain 36 percent of marks in each paper and 40 per cent in the aggregated shall be deemed to have passed the qualifying examination conducted by the Commission or the Recruitment Board as the case may be. The Commission shall send the list of such successful candidates upto 20 times the number of vacancies on the basis of merit based on the aggregate marks obtained in the written examination to the Recruitment Board referred to in sub-rule 6(a)."

A bare look at the statutory provisions would reveal that the Commission is required to send the list of such successful candidates upto 20 times the number of vacancies on the basis of merit based on the aggregate marks obtained in the written examination to the Recruitment Board.

In the present case, the RPSC has sent a list of 11346 candidates vide Annex.4 and the total number of vacancies are about 333 and, therefore, it cannot be said that the RPSC has recommended lesser number of candidates than the stipulation in the above provision.

The reliance placed on the stipulation, quoted above, in the advertisement divorced from the statutory provision is wholly misplaced as the same simply provides for minimum marks required for qualifying the examination.

In view of the above discussion, the plea sought to be raised by the petitioners

has no substance. The writ petition is, therefore, dismissed.