

(2019) 01 RAJ CK 0342
In the Rajasthan High Court
Case No : Civil Writs No. 26774 Of 2018

Miss. Priyanka

APPELLANT

Vs

State Of Rajasthan And Ors

RESPONDENT

Date of Decision : 15-01-2019

Acts Referred:

Evidence Act, 1872 — Section 114

Citation : (2019) 01 RAJ CK 0342

Hon'ble Judges : Alok Sharma, J

Bench : Single Bench

Advocate : JK Moolchandani, VB Sharma, Harshal Tholia

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 10.9.2018 at Shri Pratap Yadav Stadium, Chitrakoot, Jaipur. The petitioner submits that as per the advertisement dated 25.5.2018, 5 Km. race was to be completed within 13 rounds. She also participated in PET and completed 12 rounds but the respondents stopped her prior to completion of 30 minutes without assigning any valid and justified reason, therefore, she could not complete the race and was deprived from appointment to the post of Constable (GD). 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.

Dr. VB Sharma, AAG appearing for the respondents submitted that a candidate was required to complete 5 Kms. or to take 13 rounds of the ground in issue in a maximum of 30 minutes. It has been submitted that the petitioner failed to complete requisite rounds within prescribed time and there is nothing on record to show that she was stopped on completion of 12 rounds. It has also been submitted that after not having objected to the alleged objection in completing the 5 Km. race at the relevant time, the petitioner has belatedly approached this Court only on 4.12.2018 i.e. after a delay of over three months 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 a cynical intent to misuse the discretionary jurisdiction of this court. That cannot be countenanced by the court. Further, appointments as Constable in 2nd Battalion RAC Kota of those who successfully participated in PST/PET at Jaipur on due date/s 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 10.9.2018 at Shri Pratap Yadav Stadium, Chitrakoot, Jaipur where she was required to complete 5 kms. race or to complete 13 rounds within 30 minutes. She could not admittedly complete 13 rounds / 5 kms. within prescribed time of 30 minutes and was thus unsuccessful. The petitioner did not object at the relevant time on any count whatsoever, but has approached this court on 4.12.2018, after an inordinate and unexplained delay of over three months. Since then the selection process has been completed and those appointed are undergoing training for over the last two months. Aside of the delay in filing this petition as far bald allegations in the cross of the regularity of act of public officials under Section 114 of the Evidence Act, there is nothing on record to even prima facie justify the petitioner's allegation or make out a case for the petitioner.

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.