

(2019) 01 RAJ CK 0318
In the Rajasthan High Court
Case No : Civil Writ Petition No. 136 Of 2019

Mukesh Kumar Yadav

APPELLANT

Vs

State Of Rajasthan And Ors

RESPONDENT

Date of Decision : 11-01-2019

Acts Referred:

Citation : (2019) 01 RAJ CK 0318

Hon'ble Judges : Alok Sharma, J

Bench : Single Bench

Advocate : Sandeep Kalwaniya, Vibhuti Bhushan Sharma

Final Decision : Dismissed

Judgement

The petitioner applied for recruitment as Constable under the Rajasthan Police Subordinate Service Rules, 1989 (hereinafter 'Rules of 1989'), pursuant to the advertisement dated 25.05.2018. Having passed the written examination he was required to participate in the Physical Standard Test (PST) and Physical Efficiency Test (PET) on the date notified on the Police Department's website indicated in the advertisement.

The case of the petitioner is that despite having passed the written examination, he could not be informed about the date of participation in PST/PET for reason of which he lost out his lawful opportunity to be considered for appointment to the post of Constable in the unit of District Jaipur Rural.

Dr.Vibhuti Bhushan Sharma, AAG appearing for the respondents submitted that instruction no.xiii in the advertisement dated 25.05.2018 provided that "????? ?????????? ?? ?????????? ?????? ???? ??????-12/2018, 13/2018 ?????? 22.05.2018 ??? ?????????? ?????? ?? ?????????? www.recruitment2.rajasthan.gov.in / www.police.rajasthan.gov.in ?? ??????? ??? ?????? ?? ?????????? ??? ???-??? ?? ????? ?? ??? ?? ?????????? ?? ?????????? ????? ?????????" (as emphasized by Dr.V.B. Sharma)

Dr.V.B. Sharma submitted that the above instruction clearly provided that all

information pertaining to recruitment of Constables in the recruitment of 2018 from time to time would be made available on the website of the Police Department. He submitted that admit cards of the successful candidates in the written examination in respect of unit District Jaipur Rural were uploaded on the designated website on 24.8.2018 while the PST/PET for District Jaipur Rural were commenced on 28.8.2018 - a clear 4 (four) days later. The petitioner ought to have been vigilant, kept track of the Police Department website and been informed well in time of the PST/ PET date.

Dr.V.B. Sharma, submitted that if inspite of the information of the dates of PST/ PET in various districts being uploaded on the website of the Police Department as provided for in the instructions in the advertisement dated 25.05.2018, the petitioner was remiss and lethargic and failed to download the requisite information timely and for this reason was unable to appear for the PST/PET on the due date, he can have no cause to agitate an alleged contravention of his legal right before this court. Dr.V.B. Sharma further submitted that a similar issue came up before the Principal Seat at Jodhpur in the case of Ved Prakash Versus State of Rajasthan & Others, SBCWP No.18065/2018 decided on 27.11.2018. Therein while dismissing the petition the court held that as the requisite information with regard to the holding of PST/PET was uploaded on the website of the Police Department as indicated in instruction no.xiii of the advertisement dated 25.05.2018, the respondent-Police Department could not be held responsible for the failure of the petitioners to keep abreast with the available information as to the dates of the PST/PET and be directed to provide another opportunity for PST/PET to the petitioners who had failed to act in accordance with instructions for the recruitment process. The court held that the delay in downloading of information in time wholly attributable to a candidate could not be a ground for interference as directed for another chance as "the petitioners cannot be heard to seek a specific personal information in this regard from the respondents."

Dr.V.B. Sharma also submitted that aside of the above this petition being filed after a delay of over four months from the date of PST/ PET, is also liable to be dismissed on the ground of laches. In this regard Dr.V.B. Sharma submitted that the PST/PET was scheduled on 28.8.2018, result of successful candidates was declared soonafter and those successful appointed their training has also commenced. Interference at this stage would entail a separate training schedule for the petitioner in the event of his passing the PST/ PET and a vacant post for his appointment being available and confer on him an advantage of an adverse situation of his own making by his sheer carelessness. Further, Dr.V.B. Sharma submitted the delay in approaching this court infact indicates that the case set up by the petitioner is a mere afterthought/ intent on misusing the discretionary jurisdiction of this court.

Heard. Considered.

Indeed instruction no.xiii of the advertisement dated 25.05.2018 provided that

all candidates seeking appointment as Constable would be obliged to keep abreast of information uploaded on the website of Police Department with regard to the process/progress in the recruitment. That instruction of the advertisement is not under challenge before this court. Consequently in determining the issue agitated by the petitioner the aforesaid instruction will have to be taken into consideration. The facts of the case on record indicate that following the declaration of the result of the written examination the admit cards of those eligible to participate in the PST/PET for consideration for appointment in the unit of District Jaipur Rural were uploaded on 24.8.2018. The PST/PET was to commence on 28.8.2018. There was a clear gap of four days within which the admit card could be downloaded by the successful candidates for participating in the PST/PET at the notified place/ time.

I am of the considered view that there is no force in the petitioner's case, as there is nothing on record to even remotely so establish, that he was in any manner obstructed technically or otherwise from downloading his admit card in time from the website of the Police Department. The petitioner therefore has no case on this count. Aside of the aforesaid, as stated by Dr.V.B. Sharma the final result for appointment of Constable in the battalion in issue has been declared. Those successful are already in training. In the circumstances delay in approaching the court also compounds the petitioner's problem as the petition is hit by laches and liable to be dismissed on this count.

Consequently, no case of contravention of any of the petitioner's legal or fundamental right is made out in this petition. Nor has the petitioner been able to make out any case of any arbitrary action of the respondents to his detriment to warrant interference by this Court.

The petition is accordingly dismissed.