

(2020) 07 RAJ CK 0179
In the Rajasthan High Court
Case No : Civil Writ Petition No. 2701 Of 2020

Ranu Yaduvanshi

APPELLANT

Vs

Chairman, Rajasthan Public Service Commission, Ajmer And
Ors

RESPONDENT

Date of Decision : 21-07-2020

Acts Referred:

Citation : (2020) 07 RAJ CK 0179

Hon'ble Judges : Dinesh Mehta, J

Bench : Single Bench

Advocate : Vishal Sharma, Kailash Choudhary, Manish Vyas, Khet Singh

Final Decision : Dismissed

Judgement

1. The present writ petition has been preferred for the following reliefs :

"It is therefore most respectfully prayed that the writ petition may kindly be allowed and :-

(a) By an appropriate writ, order or direction the respondents may be directed to allow the petitioner to appear in physical efficiency test in the recruitment of advertisement dated 05.10.2016 (Annex-1) and proceed further for recruitment in case she qualifies for aptitude test and interview.

(b) Any other appropriate order or direction which this Hon'ble Court considers just and proper in the facts and circumstances of this case may kindly be passed in favour of the petitioner.

2. The facts in a nutshell are that the petitioner applied for the post of Sub Inspector - Platoon Commander, pursuant to the advertisement dated 05.10.2016, issued by the respondents.

3. The petitioner cleared the written examination and was found meritorious in the result declared by the respondent - RPSC on 26.08.2019.

4. While declaring the result, the RPSC had informed that the successful candidate will be called for physical efficiency test by the Inspector General of Police and an intimation to this effect would be given.

5. The petitioner has preferred the present writ petition inter alia stating that when the candidates were called for physical efficiency test between 21.09.2019 and 25.09.2019, her mother was suffering from 'Enteric Fever' and thus she was taking her care.

6. It is also asserted by the petitioner that the respondents No.2 & 3 did not inform the petitioner about the date of physical efficiency test, for which she could not appear, when the tests were conducted.

7. Considering the submissions, on 24.02.2020, this Court required the respondents No.2 & 3 to inform as to how the candidates, including the petitioner were informed about the date of physical efficiency test.

8. A reply to the writ petition has been filed inter alia stating that the petitioner was to appear for physical efficiency test on 25.09.2019 and a detailed notice dated 04.09.2019, issued by the respondent No.2, was published in almost all leading newspapers. A copy of the same has been placed as Annex-R/1 along with the reply.

9. Mr. Choudhary, learned counsel for the respondents, submitted that there was no stipulation that each of the candidate would be informed individually; the sufficient publicity of not only the date of test, even the method as to how the admit card could be downloaded, was given in the said notice dated 04.09.2019. He added that the everything has been done religiously that was expected of the respondents No.2 & 3.

10. It is also argued that the petitioner, having failed to appear in the physical efficiency test, is not entitled for the relief, particularly when the physical efficiency test were held in the month of September 2019, the result was declared and the selection process is at the stage of interview.

11. Mr. Vishal Sharma, in rejoinder, submitted that the petitioner is a meritorious candidate and one chance be accorded to her and her physical efficiency test be ordered to be conducted.

12. Heard.

13. Upon perusal of the record, this Court is of the considered opinion that due intimation not only about the physical efficiency test but also about the manner of downloading admit card for physical efficiency test was given by the respondents . The respondents have done their bit by getting the notice published in all the leading newspapers.

14. The petitioner, who had successfully cleared the written examination on 26.08.2019, was required to keep a vigil or eye over the schedule of the physical efficiency test to be held by the respondents No.2 & 3. If she has failed to appear

in the test held in furtherance of notice dated 04.09.2019, she herself is to be blamed.

15. This Court is not at all convinced with the submissions of the learned counsel for the petitioner that the respondents were required to send individual intimation by way of a letter, for which two pre-stamped envelopes were obtained by the respondents.

16. In considered opinion of this Court, due publicity of the physical efficiency test was done and, therefore, the respondents cannot be held to be wanting and lacking in any manner.

17. Physical efficiency test were held in September, 2019, whereas the petitioner has got up from her slumber in third week of February and preferred the present writ petition. Not only the result of PET has been declared, even the process of selection is at the stage of interview.

18. Any equity or sympathy would be misplaced in the present factual backdrop.

19. The writ petition is, therefore, dismissed.

20. Stay application is also dismissed.