

(2021) 10 UK CK 0022

In the Uttarakhand High Court

Case No : Writ Petition (S/S) No. 1271 Of 2021

Sanjay Singh

APPELLANT

Vs

State Of Uttarakhand & Others

RESPONDENT

Date of Decision : 01-10-2021

Acts Referred:

Citation : (2021) 10 UK CK 0022

Hon'ble Judges : Ravindra Maithani, J

Bench : Single Bench

Final Decision : Disposed Of

Judgement

Ravindra Maithani, J

1. By means of the instant writ petition, the following relief are sought;

"(i) Issue a writ, order or direction in the nature of Mandamus directing the respondents to conduct the Physical Endurance Test (IT/PT) of the petitioner in terms of the scheme of the selection process as provided in the Circular dated 22nd January 2021 and consequently include the name of the petitioner in the Final Merit List of the candidates selected for undergoing training on the post of Head Constable (Armed Police).

(ii) Issue any suitable writ, order or direction which this Hon'ble Court may deem fit and proper in the circumstances of the case."

(iii) Award the cost of writ petition to the petitioner.

2. Heard learned counsel for the parties and perused the record.

3. It is the case of the petitioner that he is Constable Armed Police in Uttarakhand Police. He was sent on deputation in the Ministry of External Affairs, New Delhi and he was posted as Security Assistant at Embassy of India, in Abu Dhabi. The department issued notification for appointment to the post of Head Constables, Armed Police. Petitioner appeared in the written examination

for which he was granted leave and he scored 198.50 marks. The next step was IT/PT test. It was scheduled on 18.04.2021. Petitioner sought leave, but, it was denied to him. In the meanwhile, the department, having considered the difficulty faced by many candidates due to covid-19 pandemic or other reasons, constituted a committee to consider request of such candidates and fix another date for IT/PT test. Another date was fixed for 02.05.2021, but, again the petitioner was not permitted to leave Abu Dhabi. Now, petitioner has been repatriated to his parent department and thereafter, he submitted a representation. The last was dated 01.09.2021, which is annexure-10 to the writ petition, but, no action has been taken on it.

4. Learned counsel for the petitioner would submit that for no fault of the petitioner, he has been denied to appear in the IT/PT test for his promotion to the Head Constable, Armed Police, Uttarakhand. He scored 198.50 marks in written examination as per service record, he could get 34 marks and he has much bright chances to get selected for the post of Head Constable, Armed Police. It is also submitted that, in fact, on 17.04.2021, department has considered the exigency of services like election duty, covid-19, etc. due to which, candidates could not appear for IT/PT test. Petitioner seeks similar treatment that his matter should also be considered in view of the communication dated 17.04.2021 issued from Police head quarter, Dehradun, which is annexure-6 to the writ petition and his representation be placed before the selection committee.

5. Learned counsel for the State would submit that the representation of the petitioner will be decided within a period of ten days.

6. The Court takes on record the statement given by learned State Counsel.

7. In fact, annexure-6 is the communication dated 17.04.2021 by which an option was given to such candidates who could not appear for physical fitness test due to election duty, covid-19, etc and representation of such candidates was to be placed before the Selection Committee. It is the case of the petitioner that, in fact, he was on deputation at Abu Dhabi under the Ministry of External Affairs and he was not permitted to leave Abu Dhabi to appear for the physical fitness test. These circumstances may definitely be considered by the Selection Committee and thereafter they may take a decision on it. Accordingly, the writ petition may be disposed of.

8. The writ petition is disposed of with a direction to the respondent no. 3 to place the representation dated 01.09.2021 (annexure-10 to the writ petition) before the selection committee constituted on 17.04.2021 by the department.