
(2011) 04 SHI CK 0255
In the High Court Of Himachal Pradesh
Case No : CWP (T) No. 7647 of 2008

Satish Kumar

APPELLANT

Vs

State of H.P and Others

RESPONDENT

Date of Decision : 01-04-2011

Acts Referred:

Citation : (2011) 04 SHI CK 0255

Hon'ble Judges : V.K. Sharma, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

V.K. Sharma, J.—In the year 2001, recruitment of Constables for Second India Reserve Battalion and other Armed Police Battalions was made by the Respondent-department. The requisite advertisement (Annexure A-1), was issued on 3.1.2001. It provided, inter alia, that apart from physical standards the incumbents were to take written test. However, minimum qualifying marks in the written test were not specified. Later on, vide corrigendum Annexure A-2, dated 22.1.2001, qualifying standard for physical efficiency test was also notified.

2. It is not in dispute that the Petitioner had successfully crossed the hurdle of ground test. Thereafter, vide memo Annexure R-1, dated 8.1.2001, detailed guidelines governing recruitment process were issued. These, inter alia , stipulated that only such candidates shall be deemed to have qualified for interview who secured 50% marks in the written test in the case of candidates belonging to General/OBC categories and 40% marks in the case of those belonging to Scheduled Caste and Scheduled Tribe categories. The written test was conducted thereafter on 7.2.2001. The Petitioner belongs to OBC category. Out of 40% marks in the written test, he could secure only 17 marks which are equal to 42.50% and thus could not come up to the requisite mark of 50% and was thus not selected.

3. The grievance raised by the Petitioner is that the rules of the game could not

have been changed mid way the recruitment process. It is further submitted that the entire recruitment process ought to have been concluded strictly in accordance with the Recruitment & Promotion Rules. However, no such rules have been brought on record.

4. In the facts and circumstances of the case and on an over all view of the matter I am more than satisfied that it is not a case of any illegality having been committed by the Respondents much less falling within the ambit of any fundamental right of the Petitioner. The provision of minimum 50% marks in the written test was applicable to all the candidates, who had participated in the process for recruitment as Constable. In such circumstances, if at this stage, the criteria is diluted in the case of the Petitioner, it would rather be to the detriment of so many other similarly situate candidates in whose case the requisite bar of 50% marks was also not crossed. Furthermore, the recruitment in question was for the post of Police Constable. It is a matter of common knowledge that Police is a disciplined force. The process had taken place in the year 2001. We are already in the year 2011. In 2001 the Petitioner was aged 23 years and at present he has already crossed the age of 33 years. Thus he must have crossed the maximum age limit for recruitment as Police Constable.

5. In view of the above, I am more than satisfied that no case for any indulgence by this Court is made out in favour of the Petitioner. Accordingly, the petition is dismissed.

6. The petition is disposed of in the above terms, so also pending application(s), if any.