

(2023) 07 DEL CK 0233

In the Delhi High Court

Case No : Civil Writ Petition No. 14357 Of 2021

Satyam Yadav

APPELLANT

Vs

Union Of India And Anr

RESPONDENT

Date of Decision : 24-07-2023

Acts Referred:

Citation : (2023) 07 DEL CK 0233

Hon'ble Judges : Sanjeev Sachdeva, J; Manoj Jain, J

Bench : Division Bench

Advocate : Mohd. Parvez Dabas, Farman Ali, Usha Jamnal, Krisan Kumar

Final Decision : Dismissed

Judgement

Manoj Jain, J

1. Petitioner, inter-alia, seeks direction that the respondents may allow her to participate in Physical Efficiency Test (PET) again to prove her eligibility for the written Examination for the post of Assistant Commandant (Civil/Engineer)-CRPF.
2. The Central Reserved Police Force (CRPF) had come up with an advertisement seeking recruitment of Assistant Commandant (Civil/Engineer) in CRPF Examination, 2021. The opening date of the application was 30.06.2021 and the closing date of application was 29.07.2021.
3. As per the recruitment process, any such candidate willing to participate in the aforesaid examination process, is required to undergo Physical Standard Test (PST), Physical Efficiency Test (PET), written examination, documentation followed by Detailed Medical Examination and interview.
4. Petitioner herein, being an aspirant for the aforesaid post of Assistant Commandant, participated in the process. On 08.11.2021, she reached at the examination centre located at NOIDA, U.P. for participation in PST and PET. After qualifying in PST, she participated in PET which comprised of three variations i.e., 100-meter race, 800-meter race and long jump, 3 meters in three chances.

Petitioner qualified for the first two variants i.e., 100-meter race and 800-meter race but could not clear the long jump, despite availing all the given three chances. According to the petitioner, during the aforesaid particular point of time, she started feeling pain in her lower abdomen with mild fever due to her menstrual cycle and, therefore, she was not able to give the desired performance. She contacted the concerned authority but she was directed to come again and explain her case to the higher authorities.

5. Eventually, she gave an application in writing and requested that she may be given one more chance to participate in the aforesaid event of long jump. According to petitioner, her representation was never decided and, therefore, being aggrieved by inaction on the part of the DIG (Recruitment), she is left with no option but to seek direction from the Court.

6. The factum of her participation in PST and PET is not disputed even by the respondents. However, accordingly to respondents, before her participation in PET on 08.11.2021, she never informed anyone about her alleged medical health or any medical issue. She rather on her own participated in the first two variations and if she is to be believed that she even topped the group in both the aforesaid races. It is contended that simply because she could not, eventually, clear the long jump, she has come up with a lame excuse that she was suffering from health issue. Therefore, according to respondents, she has no case and that her representation is nothing but an afterthought.

7. Admittedly, the PET took place on 08.11.2021. It is also not in dispute that the petitioner had successfully participated in the first two event of 100-meter race and 800-meter race. It is not her case that before participating in any of the variants related to PET, she had informed anyone from the side of the respondents that she was suffering from any health issue and therefore, she was not able to participate in any such events.

8. If petitioner is to be believed, she contacted the higher authorities at NOIDA on 10.11.2021. Petitioner has, in this regard, relied upon her representation. Undoubtedly such representation is dated 10.11.2021 and in her such representation, she merely claimed that she could not attend the long-jump test properly due to mild fever with some health issue, being a lady candidate. In her entire representation, she, nowhere, claimed that she was having any issue related to menstrual cycle, on account of which, she was unable to clear the long-jump test.

9. According to respondents though such representation is dated 10.11.2021, but it was received in their office as late as on 07.12.2021. The contents thereof have also been disputed.

10. According to respondents, petitioner had appeared in all the stage of PET/ PST without any complaint or without any health problem and it is only when she could not, successfully, clear the last hurdle of long-jump, despite availing three permissible chances, she has come up with an afterthought request for re-

appearance.

11. Respondents have also strongly relied upon "Instructions for Conducting of Physical Standard Test (PST)/Physical Efficiency Test (PET) for Selection of Assistant Commandant (Engineer-Civil) Exam-2021 in CRPF". As per the specific instruction mentioned in Clause 3 (f), any candidate may make a request for not being able to appear in PST/PET on the allotted date if such candidate is having some genuine reason. Such clause reads as under:-

"(f) A candidate may report with a request that he is having some genuine reason for not being able to appear in PST/PET on the allotted date due to various reasons. In such case Board may allow the candidate to appear on any other day suitable/convenient to the candidate but not beyond the last day of PST/ PET at that Centre."

12. It is very much obvious from the facts placed on record that the petitioner never made any kind of request to the concerned authorities on 08.11.2021 itself. Admittedly, there is no specific provision of any appeal if any candidate is aggrieved by the result of PET but fact remain that the aforesaid clause clinches the issue in favour of the respondents. If at all, the petitioner was having any genuine reason for her not being able to properly appear in PET, she could have made a request in this request to the Board so that the Board could consider the request and could have allowed her to appear on any other date suitable/convenient to her, not beyond the last day of PST/PET at that Centre.

13. For the totally inexplicable reason, petitioner never made any attempt in that direction and did not inform the authorities. Her request is not only a belated one but also appears to be an afterthought because if she was having any medical condition, she would have informed the concerned authorities on 08.11.2021. Moreover, she successfully participated in the first two events and it is quite clear that when she was not able to clear the long-jump event, being unsuccessful in the aforesaid variation, she somehow wants to take one more opportunity, despite availing the three permissible chances.

14. This Court cannot also be oblivious of the fact that much water has flown under the bridge as the crucial component of the examination process i.e., written examination is already over.

15. In view of the aforesaid and keeping in mind the specific instructions for the purposes of conducting such PST/PET and the fact the petitioner never made any request either on the same day or in advance that she was unable to participate in the event because of any health issue, we do not find any merit in the present writ petition.

16. We may also note that in the present writ petition, petitioner has also prayed that the respondents be directed to draft rules in relation to PET of menstruating female candidates. We have already noted that instructions are already very clear and in case there is any genuine concern or issue raised by any candidate

much less a female candidate, the Board can always certainly look into the same.

17. Learned counsel for respondents also, very fairly states that in case any such request is made by any candidate during the examination process, the same is considered as per the instructions and with full compassion. Therefore, there is no necessity to give any direction to respondents in this regard either.

18. The writ petition is accordingly dismissed.