

(2010) 01 AHC CK 0061
In the Allahabad High Court
Case No : C.M.W.P. No. 403 of 2010

Shivbhanu Pratap Singh

APPELLANT

Vs

State of U.P. and Others

RESPONDENT

Date of Decision : 11-01-2010

Acts Referred:

Uttar Pradesh Sub-Inspector and Inspector (Civil Police) Service Rules, 2008 — Rule 16

Citation : (2010) 4 AWC 3480 : (2010) 124 FLR 1015 : (2010) 2 UPLBEC 1024

Hon'ble Judges : Amreshwar Pratap Sahi, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Amreshwar Pratap Sahi, J.—Heard learned Counsel for the petitioner and perused the notifications produced by the learned standing counsel.

2. The ground of challenge in the present writ petition is that the respondents should provide the petitioner an opportunity to appear in the physical efficiency test keeping in view the law laid down in the case of Neelam Verma v. State of U.P. and Ors. Writ Petition No. 52357 of 2009. decided on 28.10.2009.

3. I have perused the judgment relied upon by the learned Counsel for the petitioner.

4. That writ petition was allowed on the basis of interpretation of Rule 16 (b) of Civil Police Service Rules, 2008. According to the said judgment, the physical efficiency test para meters were incorrectly applied and therefore the physical efficiency test was held to have not been conducted under Rule 16 (b) of the aforesaid Rules.

5. Learned standing counsel has invited the attention of the Court that the rules which were placed before the learned single Judge were the incorrect rules inasmuch as the petitioner is claiming appointment under the compassionate appointment Rules. The said appointment falls within the category of direct

recruitment and not by way of promotion. The rules which have been referred in the decision of Neelam Verma (supra) are relating to the category of promotion and not of direct recruitment where the standards vary.

6. Learned standing counsel has apprised the Court about the standards of physical efficiency test in relation to the promotional category which have been indicated in the case of Neelam Verma (supra) and at the same time he has also invited the attention of the Court to the notification in relation to the direct recruitment which is dated 2.4.2009 entitled as the U. P. Sub-Inspector and Inspector Civil Police Service (First Amendment) Rules. The same indicate that the physical efficiency test for a direct recruitment of male candidate shall be required to complete 10 km. in 60 minutes and female candidate runs 5 Km. in 35 minutes. There was an error in the publication of the notification of the Hindi version which has been corrected by a notification dated 12.6.2009. Learned standing counsel has pointed out that the mistake was in the Hindi version and not in the English version. The mistake was corrected as noted above.

7. Having perused the said notifications, the relief claimed in the present writ petition on the strength of the decision in Neelam Verma's case (supra) cannot be granted to the petitioner.

8. The writ petition lacks merit and it is dismissed.