

(2018) 12 RAJ CK 0291
In the Rajasthan High Court
Case No : Civil Writs No. 24752 Of 2018

Surendra Singh Shekhawat And Ors

APPELLANT

Vs

State Of Rajasthan And Ors

RESPONDENT

Date of Decision : 12-12-2018

Acts Referred:

Citation : (2018) 12 RAJ CK 0291

Hon'ble Judges : Alok Sharma, J

Bench : Single Bench

Advocate : Uma Shanker Pandey, Lalit Kumar Gautam, HC Kandpal, GS Gill

Final Decision : Dismissed

Judgement

This petition relates to candidates who applied for recruitment as Constable under the Rajasthan Police Subordinate Service Rules, 1989 (hereinafter 'Rules of 1989'), pursuant to the advertisement dated 25.05.2018. All the petitioners having passed the written examination in terms of Rules of 1989 were required to participate in the Physical Standard Test (PST) and Physical Efficiency Test (PET) on the date notified on the Police Department's website indicated in the advertisement.

The case of the petitioners is that despite having passed the written examination, they were not given sufficient time to participate in PST/PET and resultantly were denied consideration for appointment to the post of Constables in 13th Battalion RAC, Jaipur.

Mr.H.C. Kandpal, Asst. GC appearing for the respondents submitted that instruction no.xiii in the advertisement dated 25.05.2018 provides that "भर्ती प्रक्रिया से सम्बन्धित स्थाई आदेश

संख्या-12/2018, 13/2018 दिनांक 22.05.2018 एवं विज्ञप्ति विभाग की बेबसाईट www.recruitment2.rajasthan.gov.in / www.police.rajasthan.gov.in पर उपलब्ध है। भर्ती के सम्बन्ध में समय-समय पर जारी सूचना भी वेबसाइट पर उपलब्ध कराई जाएगी। (as emphasized by Mr.H.C. Kandpal)

Mr.H.C. Kandpal submitted that the above instruction clearly provides that all information pertaining to recruitment of Constables in the recruitment of 2018 from time to time would be made available on the website of the Police Department. He submitted that admit cards of the successful candidates in the written examination in respect of 13th Battalion RAC, Jaipur were uploaded on designated website on 7.09.2018 and the PST/PET for 13th Battalion RAC Jaipur were commenced from 10.09.2018 - a clear 3 (three) days later.

Mr.H.C. Kandpal submitted that if inspite of the information of the dates of PST/PET in various districts being uploaded on the website of the Police Department as provided for in the instructions of the advertisement dated 25.05.2018, the petitioners were remiss and lethargic because of their failure to download the said information timely and for this reason were unable to appear for the PST/PET on the due dates, they can have no cause to agitate before this court.

Mr.H.C. Kandpal further submitted that a similar issue came up before the Principal Seat at Jodhpur in the case of Ved Prakash Versus State of Rajasthan & Others, SBCWP No.18065/2018 decided on 27.11.2018. Therein while dismissing the petition the court held that as the requisite information with regard to the holding of PST/PET was uploaded on the website of the Police Department as indicated in instruction no.xiii of the advertisement dated 25.05.2018, the respondent-Police Department could not be held responsible for the failure of the petitioners to keep abreast with the available information as to the dates of the PST/PET and be directed to provide another opportunity for PST/PET to the petitioners. The court held that the delay in downloading of information well in time could not be a ground for interference. The court further held that "the petitioners cannot be heard to seek a specific personal information in this regard from the respondents."

Mr.H.C. Kandpal also submitted that aside of the petitioners having no case on merit in view of the specific instruction in the advertisement with regard to the obligation of the candidates to keep abreast of the information of recruitment process 2018 for the post of Constable from time to time on the Police Department's website indicated, this petition being filed after a delay of about one month and 15 days, also liable to be dismissed on the ground of laches. In this regard Mr.H.C. Kandpal submitted that last of the PST/PET as per the original schedule was held on 15.09.2018, result of successful candidates declared and those successful appointed, the training of those so appointed also commenced. The petitioners have belatedly approached this court with delay without just cause and to grant indulgence to them by directing a fresh PST/PET for them even in the absence of just cause and legal ground would disrupt the whole training schedule and confer on the petitioners an advantage of an adverse situation of their own making by their sheer in-aptitude, carelessness and delay. Further the delay in approaching this court infact indicates that the cases set up are a mere afterthought intent on misusing the discretionary jurisdiction of this court. Mr.Kandpal submitted that this court should not exercise it discretionary

jurisdiction in the facts as no equity for the petitioners can be found.

Heard. Considered.

Indeed instruction no.xiii of the advertisement dated 25.05.2018 provided that all candidates would be obliged to keep abreast of information uploaded on the website of Police Department with regard to the process/progress in the recruitment for the post of Constables in 2018. That instruction of the advertisement is not under challenge before this court. Consequently in determining the issue agitated by the petitioners the aforesaid instruction will have to be taken into consideration. The facts of the case on record indicate that following the declaration of the result in the written examination the admit cards of those candidates eligible to participate in the PST/PET in 13th Battalion, RAC Jaipur were uploaded on 7.9.2018 and PST/PET commenced on 10.9.2018. There was clearly a gap of 3 (three) days within which the admit cards could be downloaded by the successful candidates for participating in the PST/PET at the notified place.

I am of the considered view that there is no force in the petitioners' case as there is nothing on record to even remotely establish that the petitioners were in any manner obstructed technically or otherwise in failing to download-despite ample time -their admit cards from the website of the Police Department.

The petitioners therefore have no case on this count. Aside of the aforesaid, as stated by Mr.H.C. Kandpal the final result for recruitment of Constable in various districts/batallions has been declared and appointments made. Those successful are already in training. This delay in approaching the court also compounds the problem for the petitioners who as earlier held were themselves responsible for not adhering to the instructions of the advertisement and not downloading their admit cards for PST/PET, despite adequate time for the purpose and participation being available.

In the circumstances, no case of contravention of any of their legal or fundamental rights made out in this petition.

The petition is accordingly dismissed.