

(2019) 01 RAJ CK 0262

In the Rajasthan High Court

Case No : Civil Writ Petition No. 27937 Of 2018

Suresh Kumar Nath

APPELLANT

Vs

Director General Of Police And Ors

RESPONDENT

Date of Decision : 04-01-2019

Acts Referred:

Citation : (2019) 01 RAJ CK 0262

Hon'ble Judges : Alok Sharma, J

Bench : Single Bench

Advocate : Ajay Singh, H.C. Kandpal

Final Decision : Allowed

Judgement

The case of the petitioner is that he having passed the written examination for appointment to the post of Constable under the Rajasthan Police Subordinate Service Rules, 1989 (hereafter 'the Rules of 1989') held pursuant to the advertisement dated 25.5.2018, was called for the Physical Standard Test (PST) and thereafter required to participate in the Physical Efficiency Test (PET) which entailed running of 5 kms within prescribed time. It has been submitted that the petitioner's PET was conducted at Kota on 9.9.2018 when however for reasons of heavy rains and the resultant muddy track, he was not able to perform up-to-his potential. It has been submitted that a similar issue came up before the Principal Seat of this Court at Jodhpur in the case of Revant Ram Meghwal & Others vs. State of Rajasthan & Others and other connected matters, SBCWP No.13731/2018 where vide its order dated 27.11.2018 the Court held that as the PET at Kota on 8/9/10.9.2018 was unfair vitiated by adverse weather conditions owing which the candidates were disadvantaged. They therefore deserved another chance to participate afresh in the PET for evaluation of their physical efficiency as per their prescribed norms. It has been submitted that placed similarly the petitioner is entitled to a similar direction on the principle of parity and comity of courts.

Mr.H.C. Kandpal, Assistant Govt. Counsel for respondent- Police Department fairly concedes that the case of the petitioner in respect of his PET at Kota on 9.9.2018 is fully covered by the order dated 27.11.2018 in the case of Revant Ram Meghwal & Others (supra).

Resultantly this petition is accordingly allowed in terms of the order dated 27.11.2018 passed in the case of Revant Ram Meghwal (supra). The said order shall apply mutatis mutandis to the petitioner's case. It is directed that the petitioner be allowed to participate in the PET afresh for evaluation of his merit along with his merit on other parameters for appointment as Constable as applied for.

The fresh PET as directed qua the petitioner be conducted within a period of four weeks from today.