

(2013) 07 RAJ CK 0284
In the Rajasthan High Court
Case No : Civil Writ Petition No. 12177 of 2013

Udai Singh Bairwa

APPELLANT

Vs

State of Rajasthan and Others

RESPONDENT

Date of Decision : 15-07-2013

Acts Referred:

Citation : (2013) 07 RAJ CK 0284

Hon'ble Judges : M.N. Bhandari, J

Bench : Single Bench

Advocate : Ram Pratap Saini, for the Appellant;

Final Decision : Dismissed

Judgement

M.N. Bhandari, J.—The petitioner applied for the post of Constable where he was allowed to participate at all level of selection tests which includes written test and physical test. The petitioner secured higher marks than his counterparts yet denied appointment. The only reason given is regarding relaxation in height/chest being a reserve caste candidate. Learned counsel for petitioner submits that denial of appointment for the reasons given in Annexure-3 are not tenable. In view of the above, respondents may be directed to appoint the petitioner being a meritorious candidate.

2. I have considered the submission made and perused the record.

3. It is no doubt that after selection for the post of Constable, last candidate in petitioner's category had obtained 54.73 marks. The petitioner has obtained higher marks being 59.62. He is yet denied benefit of appointment. It is precisely in view of Para 8(v) Note (i) of the advertisement. As per Rajasthan Police Subordinate Service Rules, a candidate belonging to the reserve caste would be entitled to the relaxation in physical test, if candidates with required physical standard in their category are not available. In the instant case, the petitioner was given relaxation in physical test, though after completion of selection test, it was found that candidates of SC category were available with required standard

of physical test. In view of the above and due to availability of eligible candidates of SC category, relaxation to the petitioner in physical test was not permissible. The Note appended to Clause 8 of the advertisement is quoted hereunder for ready reference:

4. Perusal of para quoted above reveals that one is not entitled to the relaxation in physical test if eligible candidates of their own category are available. The petitioner has passed out physical test with relaxation. It was not permissible on availability of eligible candidates of his category. In view of the above, denial of appointment to the petitioner cannot be said to be illegal as he had not passed out physical test with required standard. The writ petition is found to be devoid of merit hence dismissed. Stay application is also dismissed.