
(2018) 05 JH CK 0012

In the Jharkhand High Court

Case No : Writ Petition(S).No. 2239 of 2018

Vikrant Kumar Gupta

APPELLANT

Vs

Jharkhand Staff Selection Commission, Ranchi

RESPONDENT

Date of Decision : 08-05-2018

Acts Referred:

Citation : (2018) 05 JH CK 0012

Hon'ble Judges : SHREE CHANDRASHEKHAR, J

Bench : Single Bench

Advocate : Shailesh Kumar Singh, Samir Sahay, Sanjoy Piprawall, Prince

Final Decision : Dismissed

Judgement

1. Heard learned counsel for the petitioners and learned counsel appearing for the respondent-State.Â

2. The petitioners have approached this Court with a prayer for directions commanding upon the respondents to show-cause as to why and under

what circumstances the PET which was scheduled to be held from 06:00 am in the morning as contained in notice dated 14.03.2018 was arbitrarily

relaxed for some of the privileged and chosen candidates as they were allowed to run at 05:00 am in the morning giving them a huge advantage over

the other candidates, who were not given this option.

Further prayer has been made for quashing the part of Physical Endurance Test (hereinafter referred as â??PETâ?) for Jharkhand Combined Police

Sub-Inspector Competitive Exam (hereinafter referred as â??JCPSICEâ?) vacancy, 2017, whereby the candidates have been grossly discriminated in

the matter of running of 10 kms. (25 laps) in a time span of 60 minutes inasmuch as some of them were allowed to run between 5 to 7 am whereas,

most of the candidates were asked to run between 10 am to 2 pm in hot and humid conditions. This unreasonable grouping has no nexus with the

object which the respondents were trying to achieve.Â

Â It has also been prayed for issuance of appropriate order after having been satisfied that there has been gross discrimination in the matter of

endurance test (10 kms. run) the respondents be directed to once again conduct the PET by giving an opportunity to the petitioners to run for 10 kms

at 05:00 am in the morning.

3. The factual exposition as has been delineated in the writ petition is that an Advertisement being Advt. No. 05/2017 was floated for appointment of

SubInspector of Police, Special Branch and Sergeant Major. In the aforesaid advertisement total number of vacancies was 3019 out of which 2483

were for the post of Sub-Inspector of Police, 488 for the post of Special Branch SubInspector and 48 for the post of Sergeant Major. Thereafter,

admit cards were issued for preliminary test scheduled to be held from 25.08.2017 to 10.09.2017, in which the petitioners were appeared and declared

successful and hence, called for mains exam. The petitioners also cleared the mains exams held from 17.11.2017 to 21.11.2017 and thereafter, they

were called for PET which starts from 16.03.2018 to 23.03.2018 at three venues for which reporting time was 06:30 am. However, without prior

information to the candidates, the PET at Dumka and Hazaribagh centres were started at 05:00 a.m. itself for some preferred candidates. Aggrieved

by the said actions of the respondents, the petitioners have knocked the door of this Honâ??ble Court.

4. Mr. Shailesh Kumar Singh, learned counsel appearing for the petitioners, strenuously urges that the candidates were subjected to heavy

mismanagement which made the already tough PET tougher for the candidates who had to wait inside the ground for hours without food and water in

scorching Sun before running and candidates ran empty stomach deprived of required energy to complete the PET. This discrimination was manifestly

advantageous for the candidates who were allowed to run even before 6 am in the morning i.e. even before reporting time. It has further been argued

that at Ranchi and Dumka venues height and chest measurement which was the next step after qualifying PET was measured only of the qualified

students, whereas, at Hazaribagh centre even the unqualified candidates were

allowed to undergo the height and chest measurement.

5. No counter-affidavit has been filed by the respondents however, learned counsel appearing for the respondents submits that issue involved in the

present writ petition has already been decided by this Honâ??ble Court vide its order dated 03.04.2018 passed in W.P.(S). No. 1594 of 2018 (Rahul

Kumar Vs. State of Jharkhand & Anr.) and the Honâ??ble Court has been pleased to dismiss that writ petition holding therein that, â??There cannot

be different yardstick for appointment.â? The petitioner has been declared successful in the written examination but could not qualify in the Physical

test. Several other candidates along with the petitioner appeared in the said physical exams and were declared successful, it is only this petitioner, who

is aggrieved by the terms and conditions of the advertisement because he could not qualify in the physical test.â? The grounds taken by the petitioner

is frivolous and not sustainable in the eyes of law. No case is made out for interference in the present case, accordingly this writ petition stands

dismissed.â? and as such, this writ petition may also be dismissed in view of order dated 03.04.2018 passed in W.P.(S). No. 1594 of 2018 (Rahul

Kumar Vs. State of Jharkhand & Anr.).

6. Be that as it may, having gone through the rival submissions of the learned counsel for the parties, this Court is of the considered view that issues

involved in the present writ petition is no more res-integra as similar issue fell for consideration before this Court in W.P.(S). No. 1594 of 2018 (Rahul

Kumar Vs. State of Jharkhand & Anr.) and said writ petition was dismissed vide order dated 03.04.2018 and as such, in this case also no interference

is warranted.

Resultantly, the writ petition stands dismissed