
(2019) 01 RAJ CK 0273
In the Rajasthan High Court
Case No : Civil Writs No. 26202 Of 2018

Vishal Pareek

APPELLANT

Vs

State Of Rajasthan And Ors

RESPONDENT

Date of Decision : 07-01-2019

Acts Referred:

Citation : (2019) 01 RAJ CK 0273

Hon'ble Judges : Alok Sharma, J

Bench : Single Bench

Advocate : Amit Dhawan, KC Pareek, Vibhuti Bhushan Sharma

Final Decision : Dismissed

Judgement

The petitioner applied for recruitment as Constable in the 5th Battalion RAC, Jaipur under the Rajasthan Police Subordinate Service Rules, 1989 (hereinafter 'Rules of 1989'), pursuant to an advertisement dated 25.05.2018. Having passed the written examination he was required to participate in the Physical Standard Test (PST) and Physical Efficiency Test (PET) on 7.9.2018 at the Shri Pratap Yadav Stadium, Chitrakoot, Jaipur. It has been submitted that the petitioner's admit card for PST/ PET was downloaded only on 5.9.2018 for reason of which the petitioner, a resident of a village in Tehsil Chomu at a distance of about 40 Kms. from Jaipur, could not conveniently make himself available for PST/PET on 7.9.2018. This for reason that downloading of the admit card within time was obstructed as the petitioner was a resident of a rural area, where efficient and speedy internet facility was not available. In the circumstances the petitioner's performance at the PET at Shri Pratap Yadav Stadium, Chitrakoot, Jaipur which entailed running a 5 km race in 25 minutes was sub-par and he could not qualify, hence was denied appointment as Constable. It has been prayed that in the circumstances a second opportunity be allowed in the interest of justice to the petitioner to participate in the PET afresh and be considered for appointment based on his performance therein.

2. Dr. Vibhuti Bhushan Sharma, Addl. Advocate General submitted that admit cards of the candidates for participating in PST/ PET for 5th Battalion RAC at the stadium in Jaipur were uploaded on 4.9.2018 and PST/PET was to commence on 7.9.2018 i.e. after a clear three day gap. Aside of the petitioner, other candidates across the State of Rajasthan who applied for the post of Constable in 5th Battalion, RAC Jaipur and had passed the written examination also had their admit cards uploaded on 4.9.2018 on the Rajasthan Police Department's website, as was indicated in the conditions of the advertisement dated 25.5.2018 under which the recruitment was being made. They thereupon appear to have easily downloaded their admit cards with ease and participated in the PET at Shri Pratap Yadav Stadium, Chitrakoot, Jaipur from 7.9.2018. The petitioner himself also so did without demur. No grievance of the alleged short period between the downloading of the admit card for reason of inefficient internet services and holding of the PST/ PET was then made by the petitioner. There is also nothing in law or in the conditions of the advertisement dated 25.5.2018 which entitled the petitioner to notice of more than one clear day for the conduct of his PET. After not having objected at the relevant time, if at all the petitioner could, he took his chance and thereafter having failed, has belatedly approached this Court only on 28.11.2018 i.e. after a delay of over two and half months from the date of PET in which he failed. The delay in approaching this court is unexplained and infact indicates that the case set up by the petitioner is a mere afterthought/ with an cynical intent to misuse the discretionary jurisdiction of this court. That cannot be countenanced by the court. Further, appointments as Constable in the 5th RAC Battalion of those who participated in PST/PET at Shri Pratap Yadav Stadium, Chitrakoot, Jaipur on due date/s successfully have already been made and they are presently in training for over the last two months.

3. Heard. Considered.

4. I am of the considered view that in the facts of the case on record there is no force in the petition. Nothing from the petition or arguments made even remotely establishes, that the petitioner was in any manner obstructed technically or otherwise from giving his best at the PET held on 7.9.2018. The admit card of the petitioner for participating in the PST/PET at Shri Pratap Yadav Stadium, Chitrakoot, Jaipur was uploaded on the notified site of the police department well in time. The petitioner is also estopped from challenging the conduct of PET on 7.09.2018 in which he willingly participated. An allegation on the alleged unsubstantiated unfairness / arbitrariness at the PET on various grounds after failing it, cannot be permitted.

5. Consequently, no case of contravention of any of the petitioner's legal or fundamental right is made out in this petition. Nor has the petitioner been able to make out a case of any arbitrary action / omissions of the respondents to his detriment to warrant interference by this Court and issue of directions as sought.

6. The petition is accordingly dismissed.