

Court No. - 18

Case :- SERVICE SINGLE No. - 929 of 2013

Petitioner :- Amit Kumar Singh

Respondent :- State Of U.P. Thru Its Prin.Secy.Home Civil Sectt.Lko.& Ors.

Petitioner Counsel :- D.P. Singh Sombanshi

Respondent Counsel :- C.S.C.

Hon'ble Anil Kumar,J.

Heard Shri D.P. Singh Sombanshi, learned counsel for the petitioner, learned State Counsel and perused the record.

Facts in brief as submitted by learned counsel for the petitioner are that in the year 2011, an advertisement was issued for appointment on the (4010 posts of Sub-Inspector/Platoon Commanders) in police department, the said exercise is to be done as per rules known as U. P. Sub Inspector and Inspector (Civil Police) Services Rules, 2008.

In response to the said advertisement, petitioner submitted his candidature, thereafter, appeared in a preliminary written test, held on 11.12.2011.

On 1.1.2013, when the petitioner down loaded his result from the website of respondent no.2, he found that he has obtained 103 marks out of 200 marks i.e. more than 50% in aggregate, however, in spite of the said facts, his status was declared as failed in the said test.

In view of the abovesaid factual background, the present writ petition has been filed by the petitioner with the following main prayer:-

"to issue a writ in the nature of mandamus to the respondent no.2 to declare the petitioner as passed in the preliminary written test held on 11.12.2011 on the basis of the criteria prescribed in the booklet supplied along with the application form and be allowed to participate further in the selection process as per rules."

Shri Abhinav Narain Trivedi, learned Addl. Chief Standing Counsel submits that in the recruitment in question as per rules, petitioner has to appear in three papers in the preliminary written test and have to secure 50% marks of the total aggregate and also to secure 40% marks in each three part of the papers.

In the present case, the petitioner has secured only 19 marks out of 50 marks in part 3 of the paper in the preliminary written test, thus, secured less than 40% marks in the said subject. So, as per the requisite criteria as law laid down for appointment on the post in question, he was declared fail as per U. P. Sub Inspector and Inspector (Civil Police) Services Rules, 1952.

He further submits that the controversy involved in the present case is squarely covered by judgment and order dated 23.1.2013 passed in Writ petition No.91 (SS) of 2013 "Kendra Kumar vs. State of U.P. and Ors.", so keeping in view the said facts, the present writ petition is liable to be dismissed.

After arguing at some length, learned counsel for the petitioner does not dispute the abovesaid facts and submission made by Shri Shri Abhinav Narain Trivedi, learned Addl. Chief Standing Counsel.

For the foregoing reasons, the writ petition lacks merit and is dismissed.

No order as to costs.

Order Date :- 20.2.2013

Mahesh