



**POLICE**

**HEADQUARTERS**

**J&K JAMMU/SRINAGAR**

Phone/Fax No: 0194-2443026 (Sgr) (Establishment Section)  
0191-2433939 (Jmu)

Web:- [www.jkpolice.gov.in](http://www.jkpolice.gov.in)  
email:- [phqjk@jkpolice.gov.in](mailto:phqjk@jkpolice.gov.in)

- Subject:-**
- I. Court order dated 09.06.2017 passed by Hon'ble High Court J&K in SWP No.524 of 2012, CMP No.800 of 2012 MP No.1291 of 2013 c/w 1064/2013, MP 1520 of 2013 and CMP No. 1007 of 2013 titled Gundip Singh VS State and Others.
  - II. Court order dated 20.05.2013 passed by Hon'ble High Court J&K in SWP No.1064 of 2013 and CMA No.1520 of 2013 titled Gundip Singh VS State and Other
- Refn'ce:-**
- I. Recruitment for the post of Sub Inspectors in J&K Police Telecom;
  - II. Advertisement notices issued vide PHQ endorsement No.Estt/W-19/2011/50338-420 dated 24.10.2011 read with Estt/W-19/2011/53582-701 dated 30.11.2011.
  - III. PHQ order No.2430 of 2013 dated 31.08.2013

**ORDER NO : 4566 OF 2018**  
**DATED : 07 .09.2018**

**Whereas**, among others, petitioner Shri Gundip Singh S/o Kulwant Singh R/o 49-1 Sanjay Nagar Jammu also filed his candidature in response to the advertisement notice issued vide PHQ endorsement No. Estt/ W-19/2011/50338-420 dated 24.10.2011 read with Estt/W-19/2011/53582-701 dated 30.11.2011 for the post of SI(Telecom).

**Whereas**, the advertisement inviting applications from the eligible candidates for the post of Sub Inspector in J&K Police Telecom was unambiguous in its message that the aspiring candidates will have to undergo Physical Measurement Tests and those found fit in these tests shall subsequently be put to the Physical Endurance Test (outdoor tests) and the candidates who qualify the outdoor tests shall be eligible to appear in the written tests.

**Whereas**, the Board of officers constituted for the purpose of conducting PST/PET called the eligible candidates to appear in these tests strictly as per the conditions laid down in the advertisement notice.

**Whereas**, the petitioner failed to qualify the Physical Endurance Test (PET) and was declared disqualified by the Designated Recruitment Board. Therefore, as per rules he was not eligible to appear in written tests.

**Whereas**, pursuant to the interim directions passed by Hon'ble High Court J&K, the petitioner was allowed to appear in the written test and subsequently also allowed to present himself for Viva-Voce Cum Personality Assessment Test unconditionally, as the court orders were clear that this will not confer any right/interest in favour of the petitioner.

**Whereas**, pursuant to the directions of Hon'ble High Court, one post of SI (Telecom) was kept reserved and result was kept in sealed cover until otherwise to be directed by the Court/ till the adjudication of the SWP.

**Whereas**, Hon'ble High Court in its judgment dated 09.06.2017 passed in SWP No.524 of 2012, MP1291 of 2013 c/w SWP No. 1064 of 2013, MP No.1520 of 2013 while dismissing the SWPs ordered as under:-

*“Result of the petitioner for the post of Sub Inspector under SUPC Category has been produced in a sealed cover. On perusal of the same, it emerges that the petitioner has secured only 46.5 marks and there are four candidates who secured more marks than the petitioner in the aforesaid category. Copy of the result was shown to the learned counsel for the petitioner, who in the circumstances stated that he didn't wish to press the writ petitions any further. Statement of the learned counsel for the petitioner is taken on record.*

*In view of the position as noted above, both the writ petitions are dismissed as not pressed. Accordingly, the official respondents would take action to make appointment to the post in question as per the merit as expeditiously as possible preferably within two weeks from the date of receipt of certified copy of this order”*

**Whereas**, the petitioner had failed to qualify the Physical Endurance Test (PET); one of the basic criteria which rendered him ineligible to take part in subsequent events prescribed in the advertisement notice. Having failed the basic criterion, there was no scope whatsoever in the normal course, for him to be allowed to take the written examination. However, he was allowed under special circumstances to take the written examination /appear in the interview to the detriment of other deserving meritorious candidates. The Hon'ble High Court in its ibid judgment dismissed the contentions of the petitioner, who in order to derive undue benefit by invoking writ jurisdiction while agitating on frivolous and flimsy grounds attempted to challenge the basic policy governing the recruitment in the Police department. The Hon'ble High Court has dismissed both the

petitions and has lifted embargo on the selection against one post of SI(Telecom) which was kept reserved till the termination of the Court proceedings.

In view of the facts enumerated above, the representation of the petitioner (made through his counsel) being devoid of any force and merit is rejected.

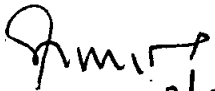
This order issues without prejudice to writ petition(s), if any pending in any competent court of law.

Sd/-

**( S.P.VAID ) IPS**  
Director General of Police  
J&K-Srinagar

NO: Estt/W-11/2017/ **61271-75**  
Dated: **07.09.2018**  
Copy to the:-

1. ADGP AP J&K Srinagar Chairman of the Recruitment Board
2. IGP, Telecom J&K Srinagar.
3. SSP Jammu for information of the concerned person.
4. Jt. Director Prosecution, PHQ.
5. SO (ITC), PHQ
5. Order book/ concerned file for record.

  
29/18  
**SAMEER REKHI-JKPS**  
AIG(Training/Policy) PHQ  
For Director General of Police  
J&K Srinagar