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In the High Court of Judicature for Rajasthan
Jaipur Bench

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Civil Writ Petition No.13561/2009

Rajeev Rahar ***Versus*** State & Ors

Date of Order ::: 30/10//09

Hon'ble Mr. Justice Ajay Rastogi

Mr. Rajendra Soni, for petitioner

Petitioner being substantively holding post of Sub Inspector has assailed process of selection for promotion to the post of Inspector which is included in Schedule appended to Rajasthan Police Subordinate Service Rules, 1989 ("**Rules, 1989**") having been initiated by respondents after determination of 45 vacancies. Procedure for promotion has been prescribed under Part V of Rules, 1989. However, Director General of Police vide Standing Order No.7/97 dt.06/06/97 (Ann.2) in exercise of powers U/r 29(2) of Rules, 1989 has prescribed the procedure for being followed and laid down syllabus for qualifying examination in course of process of selection to the post of Inspector from Sub-Inspector who are eligible for participation therein and as per standing order dt.06/06/97, petitioner appeared in written test, out-door test record and interview but finally could not be declared to be successful against

number of vacancies determined for promotion to the post of Inspector (Police).

Grievance of petitioner is that while holding the test in regard to parade and other outdoor tests for which 100 marks are allocated, however, while examining knowledge & handling of weapons, etc. written test was held. Counsel submits that it is not permissible under scheme of Rules; and Standing order also does not authorize the respondent to hold written test for the purposes; in such circumstances, procedure adopted by respondents while holding for promotion to the post of Inspector is bad in laws and final selection being arbitrary deserves to be set aside.

Counsel further submits that marks having been secured by an individual incumbent under different heads of written test outdoor test & interview etc., in terms of Standing Order have also not been disclosed which has unable him to find out his placement in the list prepared while making promotion under Rules, 1989.

It is not the case of petitioner that in the alleged test for adjudging knowledge & handling of weapons etc., has been held only

for few in fact all eligible applicants including petitioner had participated in process of selection and appeared in the test, as well, being held by respondents.

It is also not the case of petitioner that while he appeared in the test in question or thereafter if at all being aggrieved by the test being held, has ever raised any protest thereto and there is no document placed on record so as to infer that he has ever protested against the process impugned herein initiated by respondents before approaching this Court. If process initiated by respondents has been uniformly adopted for all the incumbents who were eligible and participated, it cannot be said that action of respondents in any manner is arbitrary or in violation of standing order (supra). It is always open for the authority to adjudge knowledge and handling of weapons either by calling for interview or holding written test, and if it was considered to be appropriate by the authority competent to hold the test in adjudging knowledge & handling of weapons, etc., it cannot be said that the decision was arbitrary which may call for interference. That apart, once petitioner appeared in

written test and participated in entire process of selection held for promotion to the post of Inspector without any demur or protest and after being declared to be unsuccessful, raising grievance thereafter certainly cannot be permitted to approbate and reprobate in the same breath.

As regards disclosure of marks, no material has been placed on record to infer that he has ever raised any grievance to the competent authority for disclosure of marks and if at all such application is submitted, it is expected from the authority to make available marks secured by individual applicant.

Consequently, writ petition being devoid of merit is hereby dismissed.

(Ajay Rastogi), J.