

# SUPREME COURT OF INDIA

Mahendra Pratap Singh

Vs.

State of Uttar Pradesh

C.A.No.1242-1243/2016

(Kurian Joseph,J., Deepak Gupta and Hemant Gupta,JJ.,)

15.11.2018

## JUDGMENT

**Kurian Jospeh,J.,**

1. Applications for impleadment/intervention are dismissed.
2. The appellants are candidates who participated in the selection process of Ranker Sub-Inspector conducted during 2011. According to them, they were not physically fit to participate in the physical efficiency test and yet they were compelled to participate. It is further submitted that for those who have not thus participated in the selection on account of the physical illness, the Competent Authority had issued a circular permitting them to participate on a subsequent date. Therefore, it is ASAD submitted that the candidates who have been compelled to undergo physical efficiency test despite their illness could not have been put in a worse condition.
3. Ms. Aishwarya Bhati, learned Additional Advocate General, appearing for the respondents points out that the State had taken a stand before the High Court that in the case of those who have participated without any objection could not be given a second chance.
4. We find from the penultimate paragraph of the impugned judgment that the Division Bench of the High Court has permitted for re-test in the case of those candidates who had informed about the ailment on the date of the physical efficiency test or earlier. The relevant paragraph of the impugned judgment is extracted below:-

"In view of the aforesaid discussions, we find no infirmity or illegality in the impugned judgment, which is hereby approved. However, it is provided that in respect of Category III and Category IV candidates, benefit of the above judgment shall not be extended to the candidates, who have not informed about the ailment on the date of Physical Efficiency Test or earlier."

5. In case, the appellants had actually informed prior to the test or at the time of test regarding their ailment they are otherwise protected by the High Court. Such of the appellants are permitted to approach the competent authority with supporting material, in which case the needful in the light of the judgment as extracted herein above will be done within another one month.

6. Therefore, no further orders are required in these appeals. The appeals are, accordingly, disposed of.

7. Pending applications, if any, shall stand disposed of.

8. There shall be no orders as to costs.