

Central Administrative Tribunal  
Principal Bench

O.A. No. 1914/2002

(Y)

Hon'ble Shri Govindan S. Tampi, Member(A)  
Hon'ble Shri Shanker Raju, Member(J)

New Delhi, this the 9th day of January, 2003

1. Parveen Kumar  
s/o Sh. Ram Ditta Mal  
r/o H-337 New Police Line  
Kingsway Camp  
Delhi.

2. Farooq Ahmad  
s/o Hukmuddin Ahmad  
r/o Gali No.9, Vil. Jagat Pur  
PO Burari, Delhi.

3. Sanjeev Pal  
s/o Sh. Shyam Lal  
Gali No.2, Rubber Factory  
North Gonda  
Delhi - 53.

... Applicants

(By Advocate: None)

Vs.

1. Government of NCT of Delhi  
through its Chief Secretary  
5, Sham Nath Marg  
Delhi.

2. Commissioner of Police  
Delhi Police Head Quarters (Estt)  
Delhi. .... Respondents

(By Advocate: Sh. Ajesh Luthra)

O.R.D.E.R. (Oral)

By Shri Shanker Raju, M(J):

As none appeared for the applicants, despite opportunity, and moreover, an interim order dated 24.7.2002 issued by this Tribunal that any selection/appointment made on the basis of trade-test conducted between 10.6.2002 and 21.6.2002 for the post <sup>bz</sup> of Constable (Mounted) shall be subject to the final outcome of this OA, the OA is disposed of in terms of Rule 15 of the Central Administrative Tribunal (Procedure) Rules, 1987.

2. MA for joining together is allowed. (8)

3. Applicants, in this case, have challenged the result of trade test announced for direct recruitment for the post of Constable (Mounted) in Delhi Police and have sought quashment of the Examination as well as the final selection and sought issuance of directions to the respondents to conduct a fresh trade-test.

4. Applicants have applied for the post of Constable (Mounted) in Delhi Police, advertised by the respondents and have been called for Physical Measurement which they qualified and were called for the trade-test conducted from 10.6.2002 to 21.6.2002 which included approaching to a horse, saddling and Briding, Mount/dismount, Walking, Trot without stirrups, Canter without stirrups, Hurtles etc. for that letters were issued to them.

5. As per the applicants, they have performed their best in the aforesaid test in comparison to those who could not qualify the basics and were hopeful of selection and for final interview.

6. It is stated that 17 candidates have been called in the interview but the applicants were not selected. Their contention is that their names did not figure in the list of qualified candidates, they apprehended <sup>u</sup> that the constitutional provisions and transparent criteria have not been followed in the process conducted by the recruiting authorities.

Immediately, they represented to the respondents for malpractices adopted in the selection which was in the direct supervision of the DCP.

7. Applicants' counsel contends that unqualified performance of few candidates those have been not qualified the minimum requirement of Trade Test, are shown to be selected for the final interview. It is also stated that the trade-test conducted was not free from corruption and malafide. Applicants who had got highest qualifying marks would not be given further opportunity due to their over age. In nutshell the applicants have challenged the selection.

8. By referring to the counter, learned counsel for respondents contended that recruitment for the post of Constable (Mounted) is held under Rule 16 of the Delhi Police (Appointment and Recruitment) Rules, 1980 and as per Standing Order No.262. An advertisement for the six posts was issued. There upon 1297 eligible candidates were subjected to Physical Measurement Test, out of which 817 candidates including applicants were declared qualified for Horse Riding Ability Test, which consisting of 60 marks for 9 items. Accordingly, the Commissioner of Police, Delhi nominated one DCP and one ACP as members to conduct the Horse Riding Ability Test (Trade Test), which was conducted during the period from 10.6.2002 to 21.6.2002. The result of which was declared on 3.7.2002. It is stated that 17 candidates were declared qualified as per their merit in the respective categories and were interviewed and

the final result was prepared and declared on 18.7.2002, wherein six candidates including three general and one OBC, one SC and one ST have been selected.

9. It is stated that the procedure adopted in the trade test and the entire selection was in consonance with the rules and standing order <sup>ibid</sup> without any iota of unfairness or illegality.

10. As the applicants, as per their performance, could not qualify and attain the merit, the candidates, based on the merit list, have been called for interview and once <sup>they have</sup> participated in the selection, it is not open for them to allege illegalities or mala fides as the trade test was completed in fair and transparent manner.

11. We have carefully considered the rival contentions of the parties and perused the material on record.

12. Apex Court in Madan Lal v. State of J & K, 1995 SCC (L&S) 712 observed as follows.

"9. Before dealing with this contention, we must keep in view the salient fact that the petitioners as well as the contesting successful candidates being respondents concerned herein, were all found eligible in the light of marks obtained in the written test, to be eligible to be called for oral interview. Up to this stage there is no dispute between the parties. The petitioners also appeared at the oral interview conducted by the Members concerned of the Commission who interviewed the petitioners as well as the contesting respondents concerned. Thus the petitioners took a chance to get themselves selected at the said oral interview. Only because they did not find themselves to have emerged successful as a result of their combined performance both at written test and oral interview, they have filed this petition. It is now well settled that if a

candidate takes a calculated chance and appears at the interview, then, only because the result of the interview is not palatable to him, he cannot turn round and subsequently contend that the process of interview was unfair or the Selection Committee was not properly constituted. In the case of Om Prakash Shukla it has been clearly laid down by a Bench of three learned Judges of this Court that when the petitioner appeared at the examination without protest and when he found that he would not succeed in examination he filed a petition challenging the said examination, the High Court should not have granted any relief to such a petitioner."

13. In the light of the above ratio, a candidate who participated in the selection is estopped from challenging the same unless he establishes that the selection is vitiated by mala fides or is held in derogation of the statutory rules.

14. As we find that the selection has been held for the post of Constable (Mounted) was in accordance with Rule 16 of the Delhi Police Rules, 1980 ibid and as per Standing Order No.262, applicants who have participated in the test, after declaring physically fit, have failed to attain the merit, in comparison to those who have found their place in the list, and have miserably failed to establish any mala fides or any illegalities or irregularities in the conduct of selection by the respondents.

15. In this view of the matter and in the light of the decision of the Apex Court, the OA is bereft of merit and we do not find any infirmity in the selection process by the respondents for the post of Constable (Mounted), the OA is dismissed. No costs.

S. Ram  
(Shanker Raju)  
Member (J)

(Govindram S. Tampli)  
Member (A)