RAJASTHAN HIGH COURT
सत्यमेव जयते

HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR

S.B. Civil Writ Petition No. 1644/2015
CNR: RJHC010213712015 | URN: CW / 4001U / 2015

Rajasthan High Court
सत्यमेव जयते
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Sunita Kumari Prajapat D/o Babu Lal Prajapat, aged 25 years, R/o Koka ki Dhani, post Dhanani, Tehsil Laxmangarh, District Sikar (Rajasthan)

----Petitioner

Versus

1. The State of Rajasthan through the Secretary, Department of Home Affairs, Secretariat, Jaipur
2. The Director General of Police, police Headquarters, Jaipur (Rajasthan)
3. The Commandant 3rd Battalion, R.A.C. , Bikaner.
4. Jitendra Dholi S/o Shri Rajendra Kumar, C/o the Commandant, 3rd Battalion, R.A.C., Bikaner

----Respondent

For Petitioner(s)	:	Ms. Sakshi Modi
For Respondent(s)	:	Mr. Subhash Choudhary, AGC

HON'BLE MR. JUSTICE GANESH RAM MEENA

Order

02/11/2026

1. The instant writ petition has been preferred by the petitioner with the following prayer:—

> *" a) By an appropriate writ, order or directions the respondents may be directed to revise the merit list (annexure-3) for constable (band) and grant appointment to the petitioner on the post of*

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Constable (Band) with the all consequential benefits.

b) Any other order or direction, which this Hon'ble Court deemed just and proper be passed in favour of the petitioner;

c) Costs of this petition may kindly be allowed to the petitioner;"

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2. The petitioner has been denied appointment to the post of Constable (Band) on the ground that she has failed to secure the minimum qualifying marks of 40% in the proficiency test.

3. Learned counsel for the petitioner submits that neither the applicable Rules nor the terms and conditions of the advertisement prescribe any specific requirement of securing 40% marks in the proficiency test for the post of Constable (Band). It is contended that the select list for the said post is required to be prepared on the basis of the aggregate marks obtained by the candidates in Part-II, i.e. the Physical Efficiency Test (PET), and Part-III, i.e. the proficiency test. Learned counsel further submits that the petitioner has secured the requisite 40% marks in aggregate in both the aforesaid tests and, therefore, in accordance with the merit criteria prescribed under Standing Order No.04/2013, her candidature deserves to be considered for inclusion in the select list on the basis of the aggregate marks secured by her.

4. *Per contra*, learned Government Counsel appearing for the respondents, while referring to Clause-A of Part-III of Standing Order No.04/2013, submits that the minimum passing percentage prescribed for the proficiency test is the same as that prescribed for the written examination. It is, therefore, contended that a candidate is required to secure at least 40% marks in the

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proficiency test. Since the petitioner has admittedly secured only 2 marks out of 15 marks in the proficiency test, which is below the prescribed qualifying percentage, her candidature has rightly not been considered for appointment.

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5. Considered the rival submissions made by learned counsel for the parties and perused the material available on record.

6. The facts borne out from the record are that the respondents issued an advertisement dated 14.07.2023 inviting applications from eligible candidates for recruitment to the post of Constable in various Units/Battalions/Districts of Rajasthan Police, in accordance with the Rajasthan Police Subordinate Service Rules, 1989, including the post of Constable (Band).

7. As per the bifurcation of vacancies provided in the advertisement, six posts of Constable (Band) were available for the open category under the Third Battalion, Bikaner.

8. Clause 6 of the advertisement provides for reservation in favour of various categories of candidates. It further provides for 30% horizontal reservation for women candidates, to be adjusted proportionately within the respective categories. Consequently, out of the six vacancies advertised for the post of Constable (Band) under the Third Battalion, Bikaner, the requisite reservation for women candidates is also required to be given effect to in accordance with the applicable provisions and thus there comes two vacancies for General Women.

9. Sub-clause 3 of Clause 10 of the advertisement prescribes the scheme of examination for the post of Constable (Band). The relevant portion thereof provides that the proficiency test for the post of Constable (Band) shall be conducted for 15 marks and that

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the minimum qualifying marks for the candidates of each category shall be the same as those prescribed for the written examination.

10. Clause 10 of the advertisement further provides that candidates are required to secure the prescribed minimum aggregate marks in the various components of the recruitment process, including the written examination, physical efficiency test and proficiency test, as applicable to the respective posts and categories.

In the case of women candidates, the prescribed minimum aggregate qualifying percentage is 40%. The advertisement also provides that the merit list shall be prepared, in accordance with the applicable Rules, on the basis of the marks obtained by the candidates who secure the prescribed qualifying marks.

11. It is not in dispute that the petitioner has secured more than 40% marks in the Physical Efficiency Test (Part-II) and, consequently, she was permitted to participate in the proficiency test (Part-III).

12. Standing Order No.04/2013 dated 29.06.2013 prescribes the procedure for recruitment to the post of Constable, including Constable (Band). Clause-E thereof provides for reservation in favour of women candidates. It stipulates that 30% of the vacancies in a particular recruitment year shall be filled by women candidates and that a separate list of women candidates shall be maintained at every stage of the recruitment process. Their selection is to be made independently, on the basis of their performance, in comparison with other women candidates.

13. Part-II of Standing Order No.04/2013 deals with the Physical Efficiency Test (PET), whereas Part-III prescribes the procedure for

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conducting the proficiency test. The relevant provisions of the aforesaid Standing Order are required to be read conjointly with the terms and conditions of the advertisement.

Clasue-E of the standing order is quoted as under:-

> *" E 30 % of vacancies in a particular year shall be filed by women out of which 8% and 2 % vacancies shall be resereved for widow and divorcee women candidates respectively as per Government of Rajasthan notifiifcation no F-7(2)DOP/a-2/88/part-1 dated 24.01.2011. The reservation for women shall be treated as horizontal reservation category-wise, and it shall be adjusted proportionately in the respective categories of General Scheduled Castes, Scheduled Tribes, other Backward Classes. SBC. A separate list of women candidates shall be maintained at all stages of recruitment and their selection shall be independent of their relative performance in comparison with other candidates*
>
> *In case adequate number of suitable & eligible women are not available for recruitment in a particular year, the vacancies shall be filed as if they were not reserved from amongst candidates of the same category."*

Part-II of the standing order 04/2013 provides for physical efficiency test the relevant provision is quoted below:-

> *" **PHYSICAL STANDARD TEST**:-*
>
> *This test will be qualifying in nature. Candidates who are declared successful in Physical Efficiency Test will be granted 15 marks (in case of constable general duty and operator) and 10 marks (in case of constable, driver, band and mounted). After qualifying the PET, candidates will be considered for award fo marks*

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for special qualifications (in case of constable general duty & constable operator) and for proficiency test (in case of constable band, constable driver & constable mounted). Marks of successful candidates. The candidates will undergo the Physical Efficiency Test at their own risk. Any candidate failing in Physical Efficiency Test will be disqualified."

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Part-III provides for a proficiency test which also reads as under:-

(A) **PROFICIENCY TEST:- 15 MARKS**

"FOR CONSTABLE (DRIVER), CONSTABLE (BAND) AND CONSTABLE (MOUNTED ONLY)

Candidates who have applied for the post of Constable (Driver), Constable (Band) and Constable (Mounted) and who have qualified in the physical efficiency test shall be required to undergo proficiency test carrying 15 marks to judge their suitability for these posts. The minimum pass percentage shall be the same as in written test for various categories."

Part-IV provides for a proficiency test which also reads as under:-

"**COMBINED SELECT LIST:-**

A combined select list of all eligible and successful candidates securing minimum 45 % marks in the aggregate (40 % for candidates belonging to the Scheduled Castes, Scheduled Tribes, Other Backward Classes, SBC and Women candidates, 35 % for candidates belonging to local Scheduled Castes/Schedule Tribes candidates of Tribal Sub Plan area 30 % for candidates belonging to Saharia tribe of District Baran, if adequate number of candidates with 45% marks are not available.) shall prepared on basis of the aggregate of marks obtained by each candidate in written examination."

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14. A conjoint reading of the aforesaid provisions reveals that, for the post of Constable (Band), the final merit list is required to be prepared on the basis of the aggregate marks obtained by the candidates in Part-II (Physical Efficiency Test) and Part-III (proficiency test).

15. The principal controversy in the present matter is whether a candidate applying for the post of Constable (Band) is required to secure 40% marks separately in the proficiency test or whether the prescribed qualifying percentage is required to be achieved in aggregate in the Physical Efficiency Test and the proficiency test.

16. Clause-A of Part-III of Standing Order No.04/2013, upon which reliance has been placed by learned Government Counsel, provides that the minimum passing percentage in the proficiency test shall be the same as that prescribed for the written examination for the respective categories.

However, it is pertinent to note that the recruitment process for the post of Constable (Band) does not envisage a written examination in the same manner as prescribed for other categories of Constable. The proficiency test for the post of Constable (Band) is intended to assess the technical knowledge of the candidates.

17. In the considered opinion of this Court, had the intention of the authorities issuing the Standing Order been to prescribe a separate minimum qualifying percentage of 40% in the proficiency test for the post of Constable (Band), the same ought to have been specifically provided for.

The mere stipulation that the minimum passing percentage in the proficiency test shall be the same as that prescribed for the

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written examination cannot, in the absence of a specific provision to that effect, be construed to mean that a candidate applying for the post of Constable (Band) is required to secure 40% marks separately in the proficiency test.

18. The aforesaid provision is required to be interpreted harmoniously with the other provisions of the Standing Order and the terms and conditions of the advertisement, particularly the provision prescribing the aggregate qualifying marks for final selection.

Upon such conjoint reading, this Court finds that, in the case of a candidate applying for the post of Constable (Band), the prescribed qualifying percentage is required to be achieved in aggregate in the Physical Efficiency Test and the proficiency test, rather than separately in the proficiency test.

19. It is also not the case of the respondents that the petitioner has failed to secure the prescribed minimum aggregate qualifying marks of 40% in the Physical Efficiency Test and the proficiency test taken together. The candidature of the petitioner has been rejected solely on the ground that she has secured only 2 marks out of 15 marks in the proficiency test.

20. In view of the foregoing discussion, this Court is of the considered opinion that the rejection of the petitioner's candidature solely on the ground of her having failed to secure 40% marks separately in the proficiency test is not in consonance with the applicable provisions of the Standing Order and the terms and conditions of the advertisement.

Accordingly, the denial of consideration of the petitioner's candidature for inclusion in the select list is found to be arbitrary

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and unsustainable in law. The present writ petition, therefore, deserves to be allowed.

21. Consequently, the present writ petition is **allowed**. The respondents are directed to consider the candidature of the petitioner for inclusion in the select list for the post of Constable (Band) under the Third Battalion, Bikaner, pursuant to the advertisement dated 14.07.2023, on the basis of the aggregate marks obtained by her in the Physical Efficiency Test (Part-II) and the proficiency test (Part-III), without insisting upon the requirement of securing 40% marks separately in the proficiency test.

22. In the event the petitioner is found entitled to inclusion in the select list on the basis of her aggregate marks and her position in the merit, the respondents shall accord appointment to her to the post of Constable (Band) under the Third Battalion, Bikaner, with effect from the date on which a candidate lower in merit than the petitioner has been accorded appointment, together with all consequential benefits.

It is, however, clarified that the petitioner shall be entitled to notional benefits up to the date of her actual appointment or for a period of 60 days from the date of passing of this order, whichever is earlier. The actual benefits shall be payable thereafter.

23. Stay application as well as all pending application(s), if any, also stand disposed of.

24. No order as to costs.

(GANESH RAM MEENA),J

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