

**IN THE HIGH COURT OF MADHYA PRADESH**  
**AT GWALIOR**  
**BEFORE**  
**HON'BLE SHRI JUSTICE ASHISH SHROTI**  
**WRIT PETITION No.26836 OF 2022**  
***SUNANDA YADAV***  
***Versus***  
***STATE OF MADHYA PRADESH AND OTHERS***

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**Appearance:**

Shri Nirmal Sharma– learned counsel for the petitioner.

Shri Dharmendra Nayak- learned Government Advocate for the respondents/State.

Shri Yogesh Singhal- learned counsel for respondent no.1.

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**Reserved on : 28/01/2026**

**Delivered on : 09/02/2026**

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**ORDER**

1. The petitioner has filed this writ petition being aggrieved by her non-selection for appointment on the post of Constable (GD). She has, accordingly, challenged the result declared on 12/11/2022, whereby she has been declared not qualified for appointment. She has also prayed for a direction to the respondents to declare her fit for appointment and to grant her consequential benefits.

2. The facts necessary for decision of this case are that an advertisement was issued for Police Constable Recruitment Test on 08/01/2021 through Professional Examination Board, Bhopal. Vide this advertisement applications were invited for appointment on the post of

Constable (GD/Radio). The petitioner submitted her candidature as unreserved/female (UR/F) candidate for appointment against the post of Constable (GD). The written examination was conducted by the Board on 09/02/2022 and result thereof was declared on 25/03/2022. The petitioner secured proportionate marks of 67.36% while normalized final marks of 68.1%. She was declared “not qualified” for the second phase. Thereafter, the final result was declared on 12/11/2022 (Annexure- P/5). From the final select list, the petitioner gathered that the candidate having secured less marks has been selected for appointment. She therefore, filed the present writ petition.

3. Learned counsel for the petitioner submitted that the petitioner has been declared unqualified for second phase illegally and arbitrarily. He submitted that the petitioner secured normalized marks of 68.1 while the cut off marks for Constable (DEF) UR/F category is 67.56% as is evident from the final result filed as Annexure-P/5. He, thus, submitted that the petitioner being qualified was entitled to be called for second phase, however, she was illegally denied this opportunity.

4. Learned counsel for the respondents, on the other hand, rebutted the submissions made by the the petitioner's counsel and submitted that the cut-off marks for first phase was 76.97% while the petitioner could secure 68.1% only. It is his submission that since the petitioner could not secure the cut-off marks in the first phase, she was not qualified for second phase and was accordingly, not called. He, thus, submitted that the petitioner is not entitled to any relief.

5. In rejoinder, the petitioner's counsel refers to various provisions of the advertisement filed as Annexure- P/1 to say that as per the scheme of

examination, the merit list was to be prepared based upon the marks obtained in the written test/first phase and, therefore, there cannot be two different cut-off marks. He submitted that the second phase included verification of the documents and the physical proficiency test. However, second phase was only a qualifying test and no marks were to be allotted to the candidates. As per his submission, the merit list is prepared only on the basis of the marks obtained by candidates in the written test. He referred to the final select list filed as Annexure-P/5 wherein the cut off for UR/F for Constable (DEF) post is 67.56% and since the petitioner has secured 68.1%, she was qualified for the second phase. He, thus, prayed for interference by this Court.

6. Considered the arguments and perused the record.

7. In order to appreciate the rival submissions made by the learned counsel for the respective parties, the scheme of examination needs to be examined. The advertisement, containing the terms and conditions, has been brought on record as (Annexure- P/1). Clause 1.2(८) defines first phase to mean the online examination to be conducted by the Professional Examination Board. Further, clause 1.2(९) defines second phase to mean physical proficiency test to be conducted by the Police Department. Further, Clause 1.15 deals with the conduct of examination for first phase. It provides that the merit list is to be prepared on the basis of the marks obtained by the candidates in their respective categories in their written examination conducted by the Board. It further provides that the candidates for second phase shall be called in the ratio of 1:5 i.e. five candidates against one post. The cut-off to qualify for second phase is thus to be fixed based upon the said ratio.

Clause 1.2(ट), 1.2(ठ) and 1.15.2 are reproduced hereunder for ready reference:

(ट) "प्रथम चरण" से अभिमत है प्रोफेशनल एग्जामिनेशन बोर्ड, भोपाल द्वारा आयोजित ऑनलाइन परीक्षा।

(ठ) "द्वितीय चरण" से अभिमत है पुलिस विभाग द्वारा आयोजित शारीरिक वृद्धि परीक्षा।

1.15.2 आलेखण के परीक्षा हेतु ऑनलाइन परीक्षा के मेरिट सूची:-

(1) एक उम्मीदवार को एक अपेक्षा करने के पत्र होंगे। द्वितीय चरण हेतु ऑनलाइन परीक्षा से प्राप्त अंकों के आधार पर उम्मीदवारों के प्रत्येक समूह के लिए जति वर्ग के अनुसार रितियों के 5 गुने संख्या में बुलाया जाएगा।

(2) प्रविण्य सूची ऑनलाइन परीक्षा कुल पूर्णक 100 एवं 100 के आधार पर प्रविण्य सूची (मेरिट लिस्ट) बनाई जायेगी। सर्वप्रथम सभी वर्ग के प्रतियोगियों में से अक्षरक्षिप्त पत्रों के लिए योग्य उम्मीदवारों के सूची बनाई जायेगी। इस सूची में अक्षरक्षिप्त वर्ग (अनुषज० अनुषज०/अन्य पिछड़ा वर्ग) के वे उम्मीदवार भी शामिल होंगे जो मेरिट के आधार पर स्थान पाने के हकदार हैं एवं अक्षरक्षिप्त पत्रों के लिए सभी अन्य उम्मीदवारों भी पूरी करते हैं। शेष उम्मीदवारों में से अनुषज०, अनुषज० एवं अन्य पिछड़ा वर्ग के उम्मीदवारों के उनके अपने-अपने जति वर्ग के लिए विज्ञापित अक्षरक्षिप्त पत्रों के 05 गुने के लिए पृथक-पृथक सूचियाँ बनाई जायेगी।

(3) ये सूचियाँ बनने के बाद अपेक्षाओं द्वारा जेन्टल अक्षरक्षिप्त के प्रथम विद्य जायेगा। अपेक्षाओं द्वारा जेन्टल अक्षरक्षिप्त के लिए वेकल वे महिलायें तथा भूस्पर्ष सैनिक पत्र होंगे जो कि अपनी-अपनी वर्तमान अक्षरक्षिप्त श्रेणी के वेकल अंश से अधिक अंश पये हों तथा शारीरिक प्रविण्य परीक्षा उत्तीर्ण कर ले हों।

8. Clause 1.16 of the advertisement then prescribes terms and conditions for the second phase. The second phase includes verification

of certificates and physical proficiency test. Clause 1.16.2 provides that second phase is only a qualifying test and no separate marks shall be allocated to the candidates for physical test. Clause 1.16.2 read as under:-

"शरिरिक प्रीणत प्रीक्ष तिन विधियों 800 मीटर दौड़ गोल पेंकराघं लम्बी दूरी में के संग्रह के जयेगी। शरिरिक प्रीणत प्रीक्ष के लिये कोई अंक नहीं दिये जयेगें यह केवल क्यलिफरिंग हेगी। इन तिन विधियोंके क्यलिफरिंग करने हेतु निम्ननुसर मपदर निर्धारित हैं:-"

9. It is thus clear that physical test conducted by Department in second phase was only a qualifying test. "Qualifying test" refers to a test which when passed, qualifies or makes the candidate eligible for appointment. The purpose of a qualifying examination is not to determine the comparative *inter-se* merit of the candidates but to judge their suitability for the post. When the minimum prescribed benchmark is secured in the qualifying test, it confers eligibility on those who secure the minimum benchmark. Thus, once, this minimum benchmark is achieved by candidate, he is required to be considered for appointment based upon the number of vacancies available. Clause 1.17 thereafter, provides for preparation of the final select list. Since, the candidates have been called in second phase in the ratio of 1:5, to limit this number equal to the number of vacancies, another cut-off is required to be fixed, limiting it to the extent of availability of post. Since, no separate marks are to be allocated in second phase, this cut-off is to be fixed based upon marks obtained in first phase examination and the same cannot be less than the cut-off fixed in first phase to qualify for second phase.

**10.** The scheme of the selection, thus, provides that the merit list is to be prepared based upon marks secured by a candidate in the written examination. For purposes of the post of Constable (DEF), there was only one paper containing 100 marks. Further, the physical test being only a qualifying test, no marks were to be allotted for the said purpose. Thus, ultimately the final select list is to be prepared based upon the marks obtained by a candidate in the written examination. Since, candidates equal to five times were called for second phase, separate cut-off was required to be fixed for final select list. However, this cut-off could not be higher than the cut-off fixed in first phase to qualify for second phase.

**11.** As per respondents, the cut-off fixed to qualify for second phase was 76.97% while cut off fixed for final selection was 67.56% as is gathered from the final select list filed as Annexure P/5. This was impermissible inasmuch as if a candidate has secured 67.56%, he would have been disqualified for second phase as the cut off was 76.97%. As stated hereinbefore and as is gathered from the result of the petitioner for first phase filed as Annexure- P/4, she secured 68.1% normalized marks. Further, as per the final select list filed as Annexure-P/5, the cut off for Constable (DEF) under UR/F category was 67.56%. Meaning thereby the petitioner secured more marks then the cut-off marks under the female category. She was, therefore, required to be called for the second phase of document verification and physical proficiency test.

**12.** Learned counsel for the respondents though tried to convince this Court that cut-off for first phase was 76.97% marks, however, could not justify the same inasmuch as the cut-off for final selection was also

required to be fixed based upon the merit list of the written examination. Thus, there cannot be a cut-off lesser than the cut off fixed in first phase.

**13.** In view of the discussion made above, the petitioner has made out a case for interference. She having secured more marks than the cut-off marks in the first phase examination, she is entitled to be called for physical examination. Respondents are, therefore, directed to conduct the physical proficiency test in relation to the petitioner and if found suitable, offer her appointment on the post of Constable (GD). Needless to mention, the selection of the petitioner shall be subject to verification of her certificates.

**14.** Accordingly, the writ petition is allowed. Let needful be done, as directed above, within a period of 90 days' from the date of submission of the certified copy of this order.

**15.** With the aforesaid, this writ petition is disposed off.

**(ASHISH SHROTI)**  
**JUDGE**

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