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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 9419/2015**

AMIT KUMAR

..... Petitioner

Through: Mr.Dharam Raj Ohlan, Advocate

versus

THE UNION OF INDIA & ANR.

..... Respondents

Through: Ms.Apoorva Srivastava, Advocate for
Mr.Anil Panwar, Advocate for R-1.

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MS. JUSTICE DEEPA SHARMA

ORDER

% **05.10.2015**

1. Issue notice. Ms. Apoorva Srivastava, counsel appearing on behalf of the respondent no.1 accepts notice.
2. We have considered the submissions.
3. The petitioner seeks direction that his height be independently measured by an independent agency after which the respondents should consider his candidature for Sub-Inspector in a common CAPFs Examination. It is stated that at the time of consideration of his medical fitness, the petitioner's claimed to be 171 cms. in height; the medical standard prescribed being 170 cms. He submits that at the time when he was first medically examined, the respondents determined his height to be 169.8 cms. He alleges that despite his remonstrations, the concerned officer advised that he should apply to the Court since it was a border line case. The petitioner claims to have applied for review medical board. This time the record (in the form of order dated 16.09.2015) indicates "Chest Re-measured – 169.9 cms.". The petitioner has also placed on record the certificate

dated 19.09.2015 of Dr.Baba Saheb Ambedkar Hospital to substantiate his contention to state that his height is 171 cms.

4. Considering that the respondent appears to be determined to deny the petitioner's relief by failing to objectively consider his height – as is apparent from the latest report dated 16.09.2015 which appears to be mindlessly prepared indicating his chest measurement instead of his height, this Court is of the opinion that in the peculiar circumstances, the Army Hospital (Research and Referral), Delhi should examine the petitioner's height and prepare a report. The same shall be communicated directly to the concerned authority of Union Ministry of Home Affairs which conducted CAPF's Examination as well as the Staff Selection Commission i.e. the second respondent. The medical evaluation/appraisal for measurement of the petitioner's height shall be conducted within two weeks and result directly within a week thereafter with a copy to the petitioner. The Army Hospital (Research and Referral), Delhi shall fix an appropriate time and date according to the convenience of the parties for carrying out the measurement within two weeks.

5. A copy of the order shall be communicated directly to the Commandant, Army Hospital (Research and Referral), Delhi.

6. Copy of the order be given *dasti* to the counsels for the parties under signatures of the Court Master.

S. RAVINDRA BHAT, J

DEEPA SHARMA, J

OCTOBER 05, 2015/rb