

\$~15

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

+ **W.P.(C) 9501/2015**

ARJUN SINGH

..... Petitioner

Through: Mr Narender Kumar Proxy Counsel for
Mr S.M. Dalal, Adv.

versus

UNION OF INDIA AND ORS.

..... Respondents

Through: Mr Ruchir Mishra and Mr Shreya Sinha
and Mr Mukesh Kr. Tiwari, Advs.

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MS. JUSTICE DEEPA SHARMA

ORDER

%

27.11.2015

This Court had on 07.10.2014, while issuing notice to the respondents, recorded as follows:-

“Issue notice. Sh. Ruchir Mishra, Advocate accepts notice. The petitioner seeks a direction that the Indo-Tibetan Border Police Force’s (“ITBP”) determination with respect to his height be disregarded and he should be sent for fresh examination to determine his correct height. The facts are that the petitioner was enrolled in the Indian Air Force (“IAF”) as an Airman on 11.05.1990. He was discharged from the IAF after rendering 20 years’ service on 31.05.2010. He offered his candidature for the post of Sub-Inspector (Executive) on 03.04.2015 to the Staff Selection Commission (“SSC”) for the common entrance test for recruitment to the Delhi Police, Central Armed Police Force (“CAPF”) and Assistant Sub-Inspector in the Central Industrial

Security Force against the quota reserved for ex-servicemen. He was called by the SSC to appear for the examination in which he was declared as having qualified on 27.08.2015. In the meanwhile, he claims that he appeared in the second paper too on 30.08.2015; the results of that test are, however, awaited. On 16.09.2015, he was asked to appear for the physical standards test which was conducted by the 22nd Battalion, ITBP, Chhawla Camp. The result was that he was declared “disqualified” since according to the ITBP, his height is 168 cms. The petitioner relies upon a Discharge Certificate issued by the IAF on 29.06.2010. The said Discharge Certificate clearly describes his height inter alia as 171 cms. Having regard to the materials on record, the Court is of the opinion that the petitioner’s measurement by the ITBP personnel for the purpose of determining his physical standards appears to be done rather casually. In the circumstances, we hereby direct that the petitioner’s height be independently measured by the Army Research and Referral Hospital, New Delhi [hereafter “the Hospital”] within two weeks. It is open to the petitioner to approach the said Hospital independently and seek an appointment. The Hospital is directed to give appropriate date and time for the petitioner’s height evaluation. The report of the Hospital shall be separately sent directly to the Registrar of this Court on or before 28.10.2015. The Registry shall ensure that a copy of this report is furnished to learned counsel for the parties.

List on 04.11.2015.”

The report of the Army Research and Referral Hospital has been received. It is hereby taken on record. The report states that the

petitioner's verified height is 170 cm. The copy of the report was furnished to the respondent on the previous date of hearing.

In the light of the above developments, the respondents are hereby directed to process the petitioner's application and complete the recruitment process before issuance of the appointment letter to him in accordance with the rules. The respondents-SSC/ITBP shall coordinate and ensure that the entire process is completed within eight weeks from today.

The writ petition is allowed in the above terms.

The date 02.02.2016 stands cancelled.

S. RAVINDRA BHAT, J

DEEPA SHARMA, J

NOVEMBER 27, 2015

bg