

Sr. No.235

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CWP No.10269 of 2017 (O&M)

Date of Decision:20.12.2017

Gurjeet Singh

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. J.P.S.Sidhu, Advocate,
for the petitioner.

Mr. Avinit Avasthi, AAG, Punjab.

TEJINDER SINGH DHINDSA, J.(ORAL)

Petitioner had applied for the post of Constable (Male) against the General Category in the Armed Police Cadre as also District Police Cadre in pursuance to the advertisement dated 31.05.2016.

Having participated in the process of selection, the final merit was determined and the petitioner was assigned 28 marks.

The instant petition was filed raising a grievance that height of the petitioner has been incorrectly measured as 5 feet 11 inches whereas his actual height is 06 feet. Assertion made by counsel was that if the height of the petitioner is taken as 06 feet then the petitioner would be entitled to 01 additional mark and thereby his total marks would come to 29 and resultantly petitioner would fall within the zone of consideration for appointment to the

post.

In support of such contention, reliance had been placed upon a Medical Certificate dated 01.06.2017 issued by the Medical Officer, Civil Hospital, Bathinda at Annexure P-10 reflecting the height of the petitioner as 06 feet.

The petition had come up for preliminary hearing on 09.08.2017 and while issuing notice of motion, directions were issued for the height of the petitioner to be measured afresh by the Recruitment Board and a report to be furnished.

In compliance of the order dated 09.08.2017 passed by this Court, learned State counsel has filed in Court today a short affidavit dated 28.11.2017 of the Assistant Inspector General of Police, Personnel-II, C.P.O. Punjab along with Annexure R-1. The same is taken on record and a copy has been furnished to counsel opposite.

Perusal of the affidavit filed in Court as also Annexure R-1 which is a memo dated 21.08.2017 from the Office of the Civil Surgeon, Bathinda, it has gone undisputed that the height of the petitioner was re-measured by Dr. Hari Narayan Singh, Civil Surgeon, Bathinda in the presence of Sh. Bhupinder Singh, Superintendent of Police (Headquarters), Bathinda, the process was videographed and the height of the petitioner was measured to be 183 cms i.e. 06 feet.

In para 4 of the affidavit, it stands conceded that the petitioner would now score 15 marks by taking his height as 06 feet and his total merit position would be 29 marks. It has further

been deposed that the petitioner is now liable to be selected in any cadre i.e. Armed Police Cadre or District Police Cadre as per his merit in the General Category and such issue is under consideration.

In view of the factual position that has emanated and noticed hereinabove, the instant writ petition is disposed of with a direction to the respondent authorities to finalise the claim of the petitioner for the post of Constable Male in the Armed Police Cadre/District Police Cadre against the General Category by taking his final merit as 29 marks.

In the eventuality of the petitioner falling within the zone of consideration on the basis of 29 marks as the final merit, the requisite appointment letter be issued to the petitioner within a period of 04 weeks from today.

Writ petition is allowed in the aforesaid terms.

20.12.2017

vandana

**(TEJINDER SINGH DHINDSA)
JUDGE**

Whether speaking/reasoned

Yes

Whether Reportable

No