

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

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**CWP No.16236 of 2017 (O&M)
Date of Decision: 04.10.2017**

Balkaran Singh

....Petitioner

vs.

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present: Mr. Viabhav Sharma, Advocate
for the petitioner.

Ms. Monica Chhibber Sharma, Sr. DAG, Punjab.

TEJINDER SINGH DHINDSA, J. (Oral)

Petitioner had applied for the post of Constable (Male) in the General Category in response to an advertisement dated 31.05.2016 (Annexure P-1). Petitioner had participated in the process of selection, which was based upon a physical measurement test. As per the marking system and which was disclosed in Clause 9 of the advertisement dated 31.05.2016 at Annexure P-1, the marks pertaining to height for male Constables were to be awarded as follows:-

9. MARKING SYSTEM

MARKS FOR HEIGHT

The candidate shall be awarded marks as per the following criteria:

MALE		FEMALE	
Height	MARKS	Height	MARKS
5'-7"	10	5'-3"	10
5'-8"	11	5'-4"	11
5'-9"	12	5'-5"	12
5'-10"	13	5'-6"	13
5'-11"	14	5'-7"	14
6' and above	15(Maximum)	5'-8" and above	15 (Maximum)

The short grievance raised in the instant petition is that height of the petitioner had not been correctly recorded and thereby, he had been deprived of one solitary mark and which otherwise would have ensured his place in the select/merit list.

At the stage of issuance of notice of motion, contention of the counsel representing the petitioner had been recorded that the height of the petitioner has been recorded in the present recruitments process as 5'-10.75" whereas in a parallel recruitment process conducted by the Punjab Police itself, height of the petitioner had been recorded as 5'-11.25".

On 09.08.2017, this Court had directed the petitioner to appear before the Civil Surgeon, Bathinda for measurement of his height and had called for the requisite certificate to be furnished.

Placed on record is a report dated 04.09.2017 from the office of the Civil Surgeon, Bathinda and as per which, height of the petitioner had been measured under videography and in the presence of Dr. H.N. Singh, Civil Surgeon, Bathinda and Sh. Surinder

Kumar, P.P.S. & D.S.P. (Head Quarters) and the same has been determined as 181 Cms.

Clearly, as per report of Civil Surgeon, Bathinda and the authenticity of which, cannot be doubted, height of the petitioner has been recorded to be in excess of 5'-11".

In view of the above, the writ petition is allowed. It is held that the petitioner would be entitled to 14 marks towards height as per marking system under the advertisement. The necessary revision be done in the merit list and in case the petitioner is found to be in the zone of consideration and otherwise eligible, appointment letter be issued in his favour within a period of one month from today.

In the eventuality of the petitioner being offered appointment, the same would relate back to the point of time when other candidates in the same batch had been so selected and appointed. Petitioner however would not be paid any salary for the intervening period.

Petition is allowed in the aforesaid terms.

(TEJINDER SINGH DHINDSA)
JUDGE

04.10.2017
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Whether speaking/reasoned : ***Yes/No***
Whether reportable : ***Yes/No***