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

**CWP No.17790 of 2017
Date of Decision:03.11.2017**

Pawan Kumar

.....Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE AMOL RATTAN SINGH

Present: Mr. K.S.Banyana, Advocate
for the petitioner.

Mr. Hitesh Pandit, Addl. AG, Haryana.

Mr. Mukesh Yadav, Advocate
for respondent no. 7.

Mr. Munish Mittal, Advocate
for respondent no.11.

AMOL RATTAN SINGH, J. (Oral)

The question in this case is as to whether the height of the petitioner was correctly measured during the selection process for the posts of a Constable.

The stand of the respondents is that as recorded on 21.10.2016, the height of the petitioner measured 174.9 cms. The said record, by way of the register in which the entry has been made, has been produced in the Court by learned State counsel.

The contention of the petitioner on the other hand is that in the process of selection for recruitment to the Central Armed Police Forces, in the year 2015, he had been measured at 175.1

cms, and that even now, i.e. after the recruitment in the year 2017, he was measured at 175.1 cms by the Medical Officer at the Civil Hospital, Kaithal.

Vide an order of this Court dated 03.10.2017, the petitioner was directed to appear before a Medical Board to be constituted by the Medical Superintendent of the Government Multi-Speciality Hospital, Sector-16, Chandigarh, to get his height measured.

Pursuant to the said order, the report of the Medical Board constituted by the Superintendent of the aforesaid hospital has been received, showing that the petitioner, Pawan Kumar, whose thumb impression and photograph have also been affixed on the report of the Board, measured 176 cms as on 12.10.2017

(As regards his recruitment process in the CAPFs in the year 2015, learned counsel submits that this Court has erroneously recorded earlier that it was a recruitment process for the Army whereas it was actually the recruitment process for the Central Armed Police Forces, i.e. CRPF, BSF, etc.). He points to Annexure P-8, which is seen to be a copy of the filled up form with regard to the result of the physical efficiency test and physical standard test for the selection to the post of a Constable in the aforesaid forces, conducted in the year 2015, though the exact date is not seen on the said annexure. The height of the petitioner is seen to be measuring 175 cm even in the said form, Annexure P-8, seemingly in the year 2015.

Similarly, as per the certificate of the Medical Officer Kaithal, Annexure P-9, dated 25.07.2017, the petitioner is seen to be measuring at 175.1 cms as already noticed.

In view of the above, with the specific contention of the petitioner being that the form, Annexure P-8 (the original of which has been produced in the Court today), was a recording of the physical efficiency test and physical standard test conducted in the February 2015 (as stated by the petitioner in Court today), in which he measured at 175 cm and was found to measure at 175.1 cm in July, 2017 by the Medical Officer, Kaithal, and now when the Medical Board constituted in the Government Multi-Speciality Hospital, Sector -16, Chandigarh, he was found to measure at 176 cms, it cannot be accepted by this Court that the petitioner measured a 174.9 cms, i.e. below 175 cms, on 21.10.2016, in the physical measurement test carried out for the selection process in question.

Obviously, this Court is aware that a difference of 0.1 cm can very easily have been erroneously also made in the selection process; yet the petitioner having proved that before and after the test in question he measured 175 cms or above, it has to be directed that his height has to be accepted as being at least 175 cms.

A direction is therefore accordingly to the respondents, to award the petitioner marks accordingly, i.e. for a height of 175 cms and above. As such he is to be awarded 11 marks as per the

criteria fixed by the respondents themselves, and not 10 marks as have been awarded to him.

Consequently, this writ petition is allowed to that extent, with the respondents now to calculate by adding 1 mark more given to the petitioner, as to whether he falls within the select list of the category in which he applied, i.e. amongst Scheduled Caste candidates; and an order be passed accordingly by the respondents, within a period of 2 months from the date of receipt of a certified copy of this order.

Of course, if it is determined by the respondents that the contention of the petitioner to the effect that the recruitment for the Central Armed Police Forces was not carried out in the year 2015 but subsequent to the physical measurement test carried out by the respondents for the selection process in this petition, the respondents would be free to take all permissible legal action against the petitioner.

The observation hereinabove has been necessitated in view of the fact that though the printed form shown at Annexure P-8 (the original also seen by this Court as produced here today), shows that the selection process was of the year 2015, no specific date is seen to be recorded even on the original form itself.

November 03, 2017

dharamvir

(Amol Rattan Singh)
Judge

Whether speaking/reasoned : YES/NO
Whether Reportable : YES/NO