

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

(1)

CWP No.23954 of 2016 (O&M)
Date of Decision: May 18, 2017

Jaspreet Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

(2)

CWP No.5752 of 2017 (O&M)

Manpreet Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Gourave Bhayya, Advocate
for the petitioner in CWP No.23954 of 2016.

Mr. Ashish Grover, Advocate
for the petitioner in CWP No.5752 of 2017.

Mr. Avinit Avasthi, AAG Punjab
for the respondents-State in CWP No.23954 of 2016.

Ms. Lavanya Paul, AAG Punjab
for the respondents-State in CWP No.5752 of 2017

JAISHREE THAKUR, J. (Oral)

By this common order this court proposes to decide the above noted two writ petitions, since the law point involved is similar. For the sake of brevity facts are taken out of **CWP No. 23954 of 2016** titled as **Jaspreet Singh vs State of Punjab and others.**

2. The State of Punjab invited applications by way of advertisement to fill up 5000 posts of constables and the petitioner being eligible applied through proper procedure. The criteria for selection was that a candidate should have passed 12th class and in the age group of 18 to 25 years. As per the physical measurement a candidate was to have a minimum height of 5'7" and a female was to have a height of 5'3" . A physical test was prescribed and race to be was to be conducted of 1600 m for males to be concluded in 6.30 minutes and for females it was 800 m to be completed in 4 minutes; with long jump of a male - 3.8 m, female - 3.25 m and high jump male - 1.10 m and female - 1.0 m. Further any candidate having more than 40% up to 50% marks in the board examination was to get 11, 12 marks for more than 50% up to 60%, 13 marks for more than 60% and up to 70%, 14 marks for more than 70% up to 80% and the maximum of 15 marks was to be given for a person having more than 80% marks. Similarly the marking system for height was 5'7" 10 marks, 5'8" 11 marks, 5'9" 12 marks, 5'10" 13 marks, 5'11"

14 marks and 6 feet and above to get 15 marks.

3. The petitioners' grievances is that they qualified in all the other tests but were not given adequate marks as per their height. It is argued that a medical certificate has been issued by Civil Surgeon Rampura Phul, dated 29.11.2016, which would show that the height of the petitioner is recorded as six feet and above. Petitioners contended that they were more than 6 feet tall and as a result should have been awarded 15 marks, whereas, they had been treated as candidates with the height of less than 6 feet and were given 14 marks accordingly.

4. Mr. Avinit Avasthi and Ms. Lavanya Paul, learned AAG appeared on behalf of the respondents-State vehemently argue that the height of the petitioners was correctly measured by the recruitment authority and additional marks cannot be given to the petitioners herein.

5. This court in its wisdom referred the matter to an independent body for measuring the correct height of the petitioners. Since there was already a medical report of Civil Surgeon, Rampura Phul, on the record showing the petitioners to be 6 feet tall and above, which was in contradiction to the height as assessed by the respondents, the petitioners were referred to a neutral body, the petitioners were directed to appear before the Medical Superintendent, Govt. Multi Purpose Specialty Hospital, Sector 16, Chandigarh, who in turn duly constituted a Medical Board on 15.5.2017 of 3 doctors namely Dr K.S Bal, SMO Surgery, Dr. Satbir Singh, SMO Casualty, Dr. V.K Nagpal, SMO Orthopedics in the case of petitioner-Jaspreet Singh, and likewise a Medical Board on 6.14.2017 of 3 doctors namely Dr. Manvinder Singh,

SMO Surgery, Dr. Satbir Singh, SMO Casualty, Dr. V.K Nagpal, SMO Orthopedics in the case of petitioner-Manpreet Singh. As per the reports received in a sealed cover, the height of petitioner-Jaspreet Singh has been measured at 183.4 cm and the height of petitioner-Manpreet Singh has been measured at 183 cm.

6. Learned AAG appearing on behalf of the respondents-State have made a valiant attempt to sustain 14 marks, as awarded to the petitioners, by arguing that the report of the Medical Board cannot be relied upon as the respondents do not know as to how and what method has been adopted to measure the height of the petitioners. This argument is hereby rejected. The Medical Superintendent of Government Multi Specialty Hospital, Sector 16 Chandigarh, constituted a Medical Board of Senior Doctors, who would have no vested interest in any of the candidates as referred to them by the High Court. The Medical Board also comprised of Senior Orthopedic Doctor, who would be well versed in measuring the height of a candidate. This court has no hesitation in relying upon the report as furnished by the Medical Board duly constituted and in holding that the petitioners' height is 6 feet and above respectively.

7. Resultantly the above noted writ petitions are allowed and it is held that the petitioners would be entitled to 15 marks each for their height. On account of the petitioners being held entitled to 15 marks, the revision is to be done to their merit and if the petitioners are found to be in the zone of consideration and are otherwise eligible, appointment letters be offered to them within a period of one month on receipt of a

certified copy of this order. The seniority of the petitioners would be as fixed in the same batch, as persons who competed with them.

8. The above noted writ petitions stand allowed with the aforesaid directions.

May 18, 2017
vijay saini

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No