

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

1. CWP No. 23218 of 2016

Lajjabati

...Petitioner

versus

State of Haryana and others

...Respondents

2. CWP No. 23891 of 2016

Jyoti

...Petitioner

versus

State of Haryana and others

...Respondents

Date of decision :20.08.2018

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mohd Arshad, Advocate
for the petitioner in CWP No. 23218-2016

Mr. Vijay Singh, Advocate with
Mr. Rakesh Nehra, Advocate
for the petitioner in CWP No. 23891-2016

Mr. Kiran Pal Singh, A.A.G. Haryana

RITU BAHRI, J.

The above mentioned petitions are being disposed of by this common judgment, having arisen out of the impugned order dated 29.09.2016 and 29.10.2016 and impugned result of physical measurement test dated 11.10.2016 vide which the name of the petitioners have not been shown in the list of the candidates

Pursuant to advertisement 8/2015, the Haryana Staff Selection Commission have advertised 1000 posts of Female Constable at Category

No. 2. Petitioner-Jyoti applied under SBC category and petitioner-Lajjabati applied under BCA category for the above said post. Petitioners appeared and passed physical and written test and were called for Physical Measurement Test to be held at Panchkula. Petitioners appeared for Physical Measurement Test where the height of Jyoti was measured to be 159.9 cms. Both the petitioners were declared physically unfit.

Learned counsel for the petitioners at the very outset contends that despite fact that both the petitioners have height of above 157 cms which is the minimum height required for the post of Female Constable, they have been wrongly declared unfit.

On the other hand, learned State counsel has referred to reply filed on behalf of respondent No. 1 wherein it has been clarified that the criteria has been fixed as per the Rule 12.15 and 12.16 of amended Punjab Police Rules for direct recruitment of Constables regarding physical standard and academic qualifications. Both the petitioners appeared for Physical Measurement Test and the petitioner-Jyoti was measured in the height of 159.1 cms whereas the required height for eligible reserve category was 157 cms and she was awarded 10 marks out of 15 and on the other hand, Lajjabati was also awarded 10 marks out of 15 marks. Thus, they have not been rejected on the Physical Measurement Test. The result of the petitioners is withheld being SBC candidate, as per Haryana Government Instructions dated 25.08.2016 (P-3) and 21.08.2015 (R-4). The petitioners are seeking re-measurement of their height so that they could be considered under General Category and if their total in PST+KT+PMT+ Interview comes to be more than the last selected candidates in General category only then they can be considered under General category. The

recommended candidates have already joined. Further the Haryana Staff Selection Commission vide notice dated 24.09.2016 has issued the general instructions for scrutiny of documents-cum-Physical Measurement Test, the copy of which is Annexure R-4. As per instruction No. 4 and 5 of general instructions dated 24.09.2016, the process of PMT was explained, which is reproduced below”-

4. For Physical Measurement Test according to the terms and conditions mentioned in the advertisement, the eligible candidate will mark bio-metric attendance. After this the candidate will be given BIB Number and his videography will be done. After videography the candidate will present himself before the specified committee and his physical measurement will be done by instrument and the data of physical measurement will be displayed on the screen and candidate has to sign the measurement slip. If any candidate has objection to the process of PMT, he can give a written application regarding his objection on the spot and no objection in this regard will be entertained later on.

5. Each candidate after giving documentation and PMT will deposit admit card and slip at the D-Registration Counter and will put thumb on bio-metric machine. If the candidate default on the above process, the candidature will be considered cancelled. Candidate can retain a copy of the admit card for use at a later stage.”

Reference at this stage can further be made to additional affidavit dated 29.11.2016 filed by Rajeev Dudeja Secretary (Legal) HSSC,

candidate has to sign the PMT report at two places wherein she/he has been declared qualified with 10 marks. The petitioner Lajabati has given the undertaking Annexure R-2&3/1 wherein qualifying marks were 10 and she scored 4 and thus she was not qualified. She has signed under the Undertaking wherein she certified that PMT held today on 29.09.2016 and measurement were recorded in her presence by the concerned officer, she is fully satisfied with the measurement taken and she accepted her result. The petitioner Lajabati scored 36.7 marks whereas the last short listed candidate secured 38.8 marks and thus, due to lesser marks, she was not called for interview in BCA category.

Keeping in view instruction Nos. 4 and 5 of instructions dated 24.09.2016, the petitioners if have any grievance about their PHYSICAL MEASUREMENT TEST, they should have given their objection on the spot but they instead of giving objections they gave an undertaking that they are fully satisfied with the recruitment taken and will accept the result.

This undertaking is sufficient enough to dismiss the writ petitions filed by the petitioners, as they have not been rejected for not clearing the PHYSICAL MEASUREMENT TEST but the result of the petitioners has been withheld being SBC candidate, as per Haryana Government Instructions dated 25.08.2016 (P-3) and 21.08.2015 (R-4)

In view of the above factual position, the present petitions stand dismissed.

(RITU BAHRI)
JUDGE

20.08.2018
G Arora

Whether speaking/reasoned
Whether reportable

Yes
No