

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

CWP No.26085 of 2017(O&M)

Date of Decision:-23.05.2018

Malkiat Singh.

.....Petitioner.

Versus

State of Punjab & Ors.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. Baljeet Singh Sidhu, Advocate for the Petitioner.

JASWANT SINGH, J.(ORAL)

Petitioner had competed for recruitment to the 200 posts of Constables (Male) in the Armed Police pursuant to the advertisement dated 08.10.2016 (P-1). He applied in the general Category.

Essential physical standards of height and chest were as under:-

D. Physical Standards-Height & Chest

For all candidates (Except Ex-Servicemen)

<i>Minimum Height required</i>	<i>5'-10" (5 feet 10 inches)</i>
<i>Minimum Chest required</i>	<i>Minimum 38" (38 inches) (with minimum expansion of 2")</i>

For Ex-Servicemen

<i>Minimum Height required</i>	<i>5'-10" (5 feet 10 inches)</i>
<i>Minimum Height required</i>	<i>5'-10" (5 feet 10 inches)</i>

The Selection process envisaged clearing the Substance Abuse

(Drug Addiction) test of qualifying nature. Only those candidates who

cleared the aforesaid Substance Abuse Test were eligible for appearing in the next process of physical screening test and physical measurement test.

Petitioner cleared the physical screening test comprising race, rope climbing and Standing Broad Jump with minimum laid down required standards. Thereafter the petitioner was measured for the minimum height and minimum chest. The petitioner was measured as possessing the height of 5'-11" which was more than the laid down i.e. 5'-10". However, the petitioner did not qualify the minimum standards of chest which was 38 Inches and with expansion 40 Inches. The petitioner was measured as having 37 inches of normal chest and 38-1/2 as expanded chest, hence he was considered as unqualified.

Now the petitioner has filed the present petition challenging the appointment of private respondents 4 to 11 as Constables, solely on the ground that they also did not possess the required standard physical measurements in height or chest, however, on re-measurement, they have been considered eligible and awarded marks as per the criteria and hence selected and appointed.

After hearing learned Counsel for the petitioner, no ground for invoking the writ jurisdiction is made out.

It is conceded that as per Clause-8 of the advertisement, candidates declared unqualified, like the petitioner in Physical Screening Test and/or Physical measurement test were given an opportunity to file appeal, if they so desire before the Chairperson of the Recruitment Board **on the same day**. The petitioner admittedly had made no grievance or appeal before the Authorities at the time of his measurement and being declared as unqualified. From fact that the physical measurement of the

respondents were re-conducted would raise a presumption that they must have appealed against their measurement in terms of Clause-8 and the same has not been rebutted in any manner by the petitioner by either pleading so or by placing any material on record. Thus viewed, this Court is not inclined to invoke the writ jurisdiction at the mere asking.

Dismissed.

(JASWANT SINGH)
JUDGE

May 23, 2018
Vinay

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>