

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

LPA-1301-2019 (O&M)

Date of decision:- 21.08.2019

Gurtej Singh

...Appellant

Versus

The State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE KRISHNA MURARI, CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI

Present:- Mr. Sunny Singla, Advocate,
for the appellant.

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KRISHNA MURARI, C.J. (ORAL)

This intra court appeal under clause X of the Letters Patent is directed against the judgement and order dated 10.07.2018 passed by the learned Single Judge dismissing the writ petition filed by the petitioner (appellant herein) challenging his rejection in the process of selection and appointment to the post of Jail Warder in the Department of Prisons, Punjab on being disqualified on account of height factor.

2. The petition was filed basically raising a grievance that though the height of the appellant was 5'-11", but was wrongly examined by a Medical Board as 5'-10", thereby denying him the award of one additional mark on account of which his merit was downgraded and he could not qualify. Learned Single Judge while issuing notice of motion directed re-measurement of the height of the appellant by a Board of three doctors to be constituted by the Medical Superintendent, Government Multi Specialty Hospital, Sector 16, Chandigarh. In compliance of the directions issued by this Court, the height of the appellant

was re-measured by the Medical Board so constituted on 09.01.2018 and his height was found to be 179.5 cms i.e. less than 5'-10". The report of the Medical Board was brought on record of the writ petition.

3. The appellant countered the said report by placing on record opinion regarding re-measurement of his height conducted subsequently by some Associate Professor of Forensic Medicine, Medical College, Faridkot which went to certify that his height was found to be 5'-11". Learned Single Judge refused to take cognizance of the report of the Associate Professor, Medical College, Faridkot holding that the Court has no reason to disbelieve the report submitted by the Medical Board constituted under the orders of this Court. We are also of the considered view that once the appellant was examined by the Medical Board constituted under the orders of this Court, the report submitted is final and the same cannot be disbelieved or belied by another certificate produced by the appellant subsequently. In such view of the matter, we find no illegality to take a view different from the one taken by the learned Single Judge.

4. The appeal is devoid of merits and accordingly stands dismissed.

(KRISHNA MURARI)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

21.08.2019
Amodh

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No