

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

CWP No.19253 of 2017
Date of decision: 24.10.2019

Sonu ...Petitioner

versus

State of Haryana and another ... Respondents

Before: Hon’ble Mr. Justice B.S. Walia.

Present: Ms. Palak Jain, Advocate for the petitioner.

Mr. Harish Rathee, Sr. DAG, Haryana.

B.S. Walia, J.,

1. Prayer in the writ petition is for the issuance of a writ of Mandamus for directing the respondents to allot marks to the petitioner in accordance with the prescribed criteria as also to recommend his name for appointment to the post of Male Constable.

2. Brief facts of the case leading to the filing of the writ petition are that Haryana Staff Selection Commission advertised ‘5000’ posts of Male Constable, under Category No.1, vide Advertisement No.08/2015. Essential qualification / eligibility as stipulated in the advertisement are as under :-

a) The minimum educational qualification for the post of Constable shall be 10+2 for all categories.

b) Knowledge of Hindi/Sanskrit upto Matric standard.

Category	Height	Chest
General Category	172 CM	83 CM

		(unexpanded) to 87 CM (expanded)
Eligible reserve categories as per latest existing Govt. Reservation Policy	169 Cm	81 CM (un- expanded) to 85 CM (expanded)

3. Petitioner claims that being qualified and eligible in all respects, he applied for the post of Male Constable under EBP GC category in response to the advertisement and was issued roll number and was subjected to physical screening test during the period 15.06.2016 to 23.07.2016, result of which was declared on 07/08 August, 2016 and on the basis of the selection process, the petitioner secured the following marks :-

Exam	Marks obtained
PST Marks	11
Written exam	23.40
PMT Marks	11
Higher qualification	1
NCC	0
Interview marks	2
Grand Total Marks secured.	48.40

4. Grievance of the petitioner is that although as per criteria applicable, he was entitled to award of ‘12’ marks for his height, yet, he was awarded only ‘11’ marks and that had he been awarded ‘12’ marks, he

would secure more marks than the marks obtained by the last candidate selected i.e. 48.80, consequently would be entitled to be appointed.

5. Reply has been filed on behalf of respondent No.2 taking up the stand that minimum physical standard prescribed for recruitment is given in Rule 12.15 (2) of the Punjab Police Rules, 1934 while additional marks awardable to a candidate on account of his having more height than minimum stipulated is provided under Rule 12.16 (8) (c) of the rules *ibid*. Relevant extract of the rules is reproduced as under :-

Rule 12.15 (2) The minimum prescribed physical standard for candidate for recruitment as constable shall be as follows:-

Candidate	Height	Chest
Male	172 cm General category	83 cm (un expanded) to 87 cm (expanded)
	169 cm for eligible reserve categories as per latest existing govt. Reservation policy	81 cm (un-expanded) to 85 cm (expanded:
Female	160 cm General category	Nil
	157 cm for eligible reserve categories as per latest existing government reservation policy	

However, suitable relaxation in minimum physical standards may be granted by the Director General of Police, for recruitment of outstanding sportspersons after recording reasons in writing.

Rule 12. 16 (8)(c). In order to recognize and promote excellence in Human Resource, the candidates who possesses any extra height over and above the minimum prescribed standard for recruitment shall be awarded additional marks, called ‘Advantage score’ as per scale prescribed hereunder:-

PMT-Height (Advantage Score)		
Height in Centimetres	Marks	Marks
Male	Female	
172 cm	160 cm	10
General category	General category	
169 to 172 for eligible reserve categories as per latest existing government reservation policy	157 to 160 for eligible reserve categories as per latest existing government reservation policy	
175	163	11
178	166	12
181	169	13
184	172	14
187 and above	173 and above	15

6. A perusal of the aforementioned criteria reveals that in the case of a male in the general category having height upto 172 cms, ‘10’ marks are awardable, while in case of height of 175 cms ‘11’ marks are awardable, and in case of height of 178 cms ‘12’ marks are awardable and so on and so forth. Marks have been awarded to the petitioner on account of his height as

per entitlement under the rules. The petitioner’s height is 175.2 cms for

which he has been awarded '11' marks as per rules. '12' marks as claimed by the petitioner are awardable to a candidate possessing height of 178 cms. It is the stand of the respondents that as per amended Punjab Police Rules, a candidate having height 175 cms to 177.9 cm is eligible for '11' marks while a candidate having height of 178 cms to 180.9 cms is eligible for award of '12' marks. There is no challenge to the rules. In the circumstances, no infirmity can be found with the marks awarded by the Commission to the petitioner according to his height as per the rules. No direction can be given to award marks otherwise than as per criteria prescribed as per rules applicable nor can a direction be issued to the respondents to frame rules in a particular manner.

7. Accordingly, no ground whatsoever is made out warranting interference with the award of '11' marks to the petitioner on account of his being 175.2 cms tall in the selection for the post of male constable in accordance with the rules as referred to above. The writ petition is bereft of merit and is accordingly dismissed.

(B.S. Walia)
Judge

24.10.2019

rajesh.k.khurana

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| 1. Whether speaking/reasoned: | Yes/No. |
| 2. Whether reportable : | Yes/No. |