

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

**CWP No. 24280-2019
DATE OF DECISION : 06.09.2019**

PARMOD KUMAR

...PETITIONER

Versus

UNION OF INDIA AND OTHERS

...RESPONDENTS

CORAM:- HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. Bhupinder Malik, Advocate
for the petitioner.

Mr. Pawan Kumar Longia, Sr. Panel Counsel,
for Union of India – respondent no. 1.

Mr. Amit Sharma, Advocate
for the respondent no. 2.

ARUN MONGA, J.(ORAL)

The petitioner herein competed for the post of Constable (GD) in Central Armed Police Forces (CAPFs), NIA & SSF and Rifleman (GD) in Assam Rifles (AR) and appeared for Physical Standard Test (PST). The petitioner was given rejection order slip dated 13.08.2019 (Annexure P-7) wherein he has been found to be unfit on the ground of chest expansion being less than 5 cms. and his height being deficient by 1 cm i.e. being 169 cms. as against the minimum requirement of 170 cm. The petitioner's

request dated 15.08.2019 (Annexure P-9) for appointment of Appellate Medical Board has been withheld having being medically examined by the Appellate Medical Board.

2. Learned counsel for the petitioner relies on a Medical Certificate dated 21.08.2019 (Annexure P-11) issued by a team of three Medical Officers from Civil Hospital, Sonapat, which reflects that height of the petitioner is 170 cms and his chest measurement before and after expansion is 92 to 97 cms.

3. Learned counsel for the petitioner submits that vide call letter dated 13.08.2019 (Annexure P-8), the petitioner was directed to appear before the Appellate Medical Board but no date or time has been mentioned in the said call letter. But the petitioner was re-examined by the Appellate Medical Board and the said decision was never conveyed to him.

4. Having seen the record produced by the learned counsel for respondent-UOI, there is nothing in the same to show that the Appellate Medical Board had either disclosed the result to the petitioner or the same was conveyed to him.

5. Learned counsel for the petitioner submits that owing to the wrong measurement of height and chest, petitioner has been denied fair opportunity of being selected for the post of Constable (GD).

6. Learned counsel for the petitioner contends that the petitioner is willing to undergo fresh measurement under videography at his own costs as assessed by the respondents.

7. In the premise, the writ petition is disposed of with a direction to the respondents to get the petitioner's height and chest re-measured by constituting Medical Board consisting of medical experts. The cost of the videography shall be borne by the petitioner. Petitioner is directed to appear for medical examination on 14.10.2019 at 10.00 A.M. before the authority/Medical Board constituted by respondents.

8. Disposed of.

06.09.2019

Harish Kumar

(ARUN MONGA)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No