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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ **W.P.(C) 10706/2018**

**BHAU SHAHEB KISHAN NAGARE (CONSTABLE) .....** Petitioner  
Through: Mr. S.C. Soren and Mr. Hemraj  
Murmer, Advocates.

versus

**DIRECTOR GENERAL, CISF H.Q C.G.O COMPLEX**  
**& ORS.** ..... Respondents  
Through: Mr. Sanjeev Sabharwal, Sr.Govt  
counsel & Mr. Hem Kumar,  
Advocates for Respondents no.1 to  
3/IOI with Mr. Gajendra Singh,  
AC/CISF

**CORAM:**  
**JUSTICE S.MURALIDHAR**  
**JUSTICE I.S.MEHTA**

**ORDER**  
**11.03.2019**

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1. The Petitioner, a Constable with the CISF, is aggrieved by his non-promotion to the post of Head Constable (HC) notwithstanding the conditional promotion order dated 24<sup>th</sup> April, 2012.

2. The perusal of the said order reveals that the promotion was conditional upon the Petitioner being medically certified to be of SHAPE -I. It was made clear that ‘only after production of medical SHAPE -I certificate’ the Petitioner would be relieved “to join promotion post on transfer.”

3. The Respondents have produced before the Court the criteria for

determination of SHAPE-I as far as the Body Mass Index ('BMI') is concerned. The Petitioner is in the age group of 48-50 years and his height is 178 cms. The prescribed BMI requires his weight not to exceed 72.5 kgs with 10% variation on either side.

4. The fact of the matter is that both at the time when the aforementioned order dated 24<sup>th</sup> April, 2012 was passed and even subsequent thereto the Petitioner's weight made well above 80 kgs. In other words he did not satisfy the weight requirement even with a 10% variation. The Court has been shown the last latest report of the medical board dated 25<sup>th</sup> July, 2018 which also reveals that the Petitioner's weight to be 92 kgs. Clearly therefore even as on 20<sup>th</sup> July, 2018 the Petitioner did not maintain the requisite weight which would enabled him to be categorised as SHAPE -I.

5. Learned counsel for the Petitioner submits that there were other six persons who were promoted under the same order dated 24<sup>th</sup> April, 2012 subject to production of Weight Reduction Certificate. According to him despite those six other persons not having produced such certificates or in any event were weighing more than the Petitioner. He accordingly claims that he too should be granted promotion notwithstanding that he does not fulfil the SHAPE-I medical category.

6. The Court is unable to agree with the above submissions. Irrespective of whether other persons mentioned in the order dated 24<sup>th</sup> April, 2012 have submitted the requisite medical certificates, as far as the Petitioner is concerned, if he wants the relief prayed for he must satisfy the requisite

medical category of SHAPE -I. It is not possible for the Court to over look the criteria set down by the Respondents for grant of promotion to the next higher post of HC.

7. This is apart from the fact that the Petitioner should not have had any major penalties in the preceding five years whereas in the Petitioner's case he has been awarded at least two major penalties and five minor penalties in the past five years.

8. For the aforementioned reasons, the petition is dismissed.

**S. MURALIDHAR, J.**

**I. S. MEHTA, J.**

**MARCH 11, 2019**

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