

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP-23946-2017 (O&M)
Date of Decision: 14.02.2020

Joginder Pal Kaur

--Petitioner

Versus

State of Punjab & others

--Respondents

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Harpal Singh, Advocate for the petitioner.

Ms. Ambika Bedi, AAG, Punjab.

TEJINDER SINGH DHINDSA.J (Oral)

Petitioner is aggrieved of her non-selection to the post of Sub Inspector (Female).

The solitary contention raised by counsel is that in a previous selection process height of the petitioner had been measured as 5 feet 3 inches but in the instant selection process the height has been wrongly measured as 5 feet 2 ³/₄ inches and it is on such basis that she has been excluded from the process of selection.

Per contra learned State counsel submits that during the process of selection the height of the petitioner had been correctly measured and subsequently the height had been measured yet again by an independent Board and which has recorded the height to be 5 feet 2.59 inches and accordingly, petitioner does not fulfill the essential eligibility criteria.

Counsel for the parties have been heard at length.

Petitioner had submitted her application for appointment to the post of Sub Inspector (Female) under the S.C (R&O) Category in pursuance to advertisement placed on record at Annexure P-1. Clause 3 of the advertisement laid down the eligibility conditions necessary for candidates.

Clause 3 (D) laid down the physical standards/height. The minimum height required for female candidates was 5 feet 3 inches. Clause 4 laid down the selection process and reads as follows:-

“4. (i) Selection Process

The selection process will be in the following manner in different stages:

a) Physical Trials in which, drugs consumption (drug addiction) test, physical screening test (PST) and Physical measurement test will be done.

b) Written Examination-100 Marks

c) Interview-cum-personality test-15 Marks

ii) Physical Measurement.

The height of only those candidates will be measured who will pass PST, and only the candidates, whose height will be found according to the fixed criteria only those candidates will be considered for written test.”

Apparently petitioner participated in the physical trials and thereafter underwent the physical measurement test. Her height was measured as 5 feet 2 $\frac{3}{4}$ inches. As the petitioner did not fulfill the minimum height required, she was not permitted to participate any further in the selection process which comprised of a written test/Interview-cum-Personality Test as well.

It was at this stage that the instant writ petition was filed raising a contention with regard to incorrect measurement of height and expressing her willingness to get her height measured again by some independent agency or Medical Board.

On 24.10.2017 while issuing notice of motion, this Court directed that height of the petitioner be got measured by a Board of Doctors or by any independent agency at the instance of the respondents. Petitioner

was to be conveyed about the date of appearance before the concerned authority for measurement of height.

In the joint reply filed on behalf of respondents no.1 to 4 a categorical stand has been taken that in deference to the directions issued by this Court, a Board was constituted headed by the Civil Surgeon, Ferozepur and having the Senior Medical Officer, Incharge Civil Hospital, Ferozepur as also Superintendent of Police (Headquarters) office of S.S.P., Ferozepur as Members. Height of the petitioner was again measured by the afore-noticed Board on 5.12.2017 and the same was recorded as 5 feet 2.59 inches.

There would be no occasion for this Court to disbelieve the height measurement recorded by an independent Board headed by a doctor of the rank of Civil Surgeon, Ferozepur.

Clearly in terms of the height measured by the independent Board i.e. 5 feet 2.59 inches, petitioner does not fulfill the minimum required height parameter as stipulated in the advertisement.

In view of the above, no infirmity is found in the action of the respondent authorities in not having permitted the petitioner to participate any further in the selection process for the post of Sub Inspector (Female).

Petition is dismissed.

(TEJINDER SINGH DHINDSA)
JUDGE

14.02.2020

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Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No