

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 199 OF 2020

The Secretary, Maharashtra	}	
Public Service Commission	}	Petitioner
Versus		
Shri.Sandeepkumar S.	}	
Nalavade	}	Respondent

Mr.S.R.Ganbavale for the petitioner.

Mr.Gaurav Bandiwadekar i/b. Mr.Bhushan A.
Bandiwadekar for the respondent.

**CORAM :- DIPANKAR DATTA, CJ &
G. S. KULKARNI, J.**

DATE :- JULY 30, 2021

PC :-

1. Pursuant to our order dated 13th July 2021, the height of the respondent has been remeasured. On such remeasurement, the respondent has been found to stand 165.2 cm. tall. In view thereof, we hold that the respondent could not have been disqualified for consideration of his candidature for appointment on the post of Sub-Inspector of Police on the ground of deficiency in the criteria relating to height.

2. However, Mr.S.R.Ganbavale, learned advocate for the petitioners has placed before us a communication dated 28th July 2021 of the Secretary, Maharashtra Public Service

Commission informing the respondent that he is required to now present himself for a physical test and that further procedure would be undertaken to consider his candidature for the said appointment. The communication dated 28th July 2021 is taken on record.

3. We grant liberty to the respondent to appear for the physical test as and when he is duly notified. We are informed by Mr.S.R.Ganbavale that the procedure for selection requires the respondent to succeed in the physical test, whereupon the marks obtained by him in the written examination as well as the interview would be consolidated; and upon such consolidation, if it is found that the respondent has secured marks more than the last recommended candidate for appointment on the post of Sub-Inspector of Police, the Commission shall proceed to recommend the respondent's name for appointment to the State of Maharashtra.

4. The statement of Mr.S.R.Ganbavale is accepted. We have no doubt in our mind that depending upon the result of the physical test, further steps to complete the selection process shall be taken as recorded above.

5. Needless to observe that if a recommendation for the respondent's appointment is received, the State Government shall waste no time to offer appointment to him. However, if the respondent does not merit a recommendation for appointment on any score, a written intimation containing the reason(s) therefor shall be sent to the respondent by the petitioners.

6. The writ petition stands disposed of with the aforesaid directions. There shall be no order as to costs.

(G. S. KULKARNI, J.)

(CHIEF JUSTICE)