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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P. (C) 931/2021, CM APPL. 2541/2021

SH. AMAN SAINIPetitioner

Through: Mr. Khagesh Seth, Advocate.

Versus

STAFF SELECTION COMMISSION & ORS.Respondents

Through: Mr. Prakash Kumar, Central Govt.
Sr. Counsel.

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Date of Decision: 12th February, 2021

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

HON'BLE MS. JUSTICE ASHA MENON

J U D G M E N T

MANMOHAN, J (Oral):

1. The petition has been heard by way of video conferencing.
2. Present writ petition has been filed seeking a direction to the respondent to re-assess and re-evaluate the height of the petitioner and if found to be 170 cm, pass the petitioner in the Physical Standard Test (PST) already held on 17th December, 2020. Petitioner further prays for permission to appear in the Computer Based Examination (CBT-II) of the Sub-Inspector in Delhi Police, CAPF and Assistant Sub Inspector in CISF Examination, 2019.

3. Learned counsel for the petitioner states that the petitioner had filled the form to appear in the aforesaid examination, 2019 and the petitioner has cleared the Computer Based Examination (CBT-I) as well as the Physical Endurance Test (PET).

4. Learned counsel for the petitioner states that the petitioner subsequently appeared for the Physical Standard Test (PST) where the height of the petitioner was incorrectly measured as 169.5cm and the petitioner was therefore disqualified from the PST examination since the petitioner's height was less than the minimum standard required which is 170.0 cm.

5. He points out that the petitioner subsequently got his height measured in Sir Ganga Ram Hospital, Delhi and B L Kapoor Hospital, New Delhi wherein the height of the petitioner was measured as 170.0 cm and 170.5 cm respectively. Therefore, learned counsel for the petitioner prays that the wrong result of the PST exam be set aside and the petitioner be allowed to appear in the CBT-II exam which is expected to be held on 26th March, 2021 tentatively.

6. Having heard learned counsel for the petitioner, this Court finds that the height of the petitioner keeps on increasing by 0.5 cm in every subsequent hospital that he visits!

7. It is settled law that for the recruitment in CAPF, it is the CAPF/Army Hospitals, Specialists, who are aware of the high medical standards required during the training and subsequent operations. A coordinate Division Bench in ***K.M Priyanka vs. Union of India & Ors., W.P(C) 10783/2020*** has held as under:-

“8. We have on several occasions observed that the standard of physical fitness for the Armed Forces and the Police Forces is more stringent than for civilian employment. We have, in Priti Yadav Vs. Union of India 2020 SCC OnLine Del 951; Jonu Tiwari Vs. Union of India 2020 SCC OnLine Del 855; Nishant Kumar Vs. Union of India 2020 SCC OnLine Del 808 and Sharvan Kumar Rai Vs. Union of India 2020 SCC OnLine Del 924, held that once no mala fides are attributed and the doctors of the Forces who are well aware of the demands of duties of the Forces in the terrain in which the recruited personnel are required to work, have formed an opinion that a candidate is not medically fit for recruitment, opinion of private or other government doctors to the contrary cannot be accepted inasmuch as the recruited personnel are required to work for the Forces and not for the private doctors or the government hospitals and which medical professionals are unaware of the demands of the duties in the Forces. In fact, the case of Priti Yadav (supra) also related to ‘cubital valgus’. It is also to be noted that the specialists that the petitioner had consulted had also found that the petitioner suffered from ‘cubital valgus’ and therefore, the findings by the Medical Boards were not wrong. 9. What may seem as a minor difference in the assessment of the Civil doctors in comparison to the assessment of the Medical Boards, may blow up into a serious health condition during the course of service with the CAPFs. It is not in the interest of either the Police Forces or candidates that their medical problems are W.P.(C)10783/2020 Page 5 of 5 brushed aside only on the plea that it was a question of employment. The general health of candidates would be permanently impacted due to the stress, both physical and mental, on account of these medical shortcomings. On the other hand, the government would be saddled with a Police Force where such personnel would seek soft postings because of their health conditions and low medical category. This would lead to dissatisfaction amongst the personnel in the Forces as some people, who ought not to have been taken into the Forces, would always benefit,

whereas the others would be mostly faced with hard postings and duties.”

8. In the present case, the petitioner’s height was measured by the respondent twice i.e. by the Medical Board as well as by the Appellate Medical Board and on both the occasions, his height was found to be less than 170 cm.

9. Accordingly, this Court is of the view that the present matter calls for no interference and the writ petition and application stand dismissed.

10. The order be uploaded on the website forthwith. Copy of the order be also forwarded to the learned counsel through e-mail.

MANMOHAN, J

ASHA MENON, J

FEBRUARY 12, 2021
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