

126.

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

CWP-10137-2022

Date of Decision: 12.05.2022

SUKHBEER KAUR

.... Petitioner

Versus

STATE OF PUNJAB AND OTHERS

.... Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

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

Mr. Pawan Sharda, Senior DAG, Punjab

JAISHREE THAKUR.J

1. The petitioner has approached this Court invoking Articles 226/227 of the Constitution of India seeking a writ in the nature of mandamus to be issued to respondent No.2 to remeasure the height of the petitioner in terms of the judgment rendered in *Sonu Singh Versus State of Haryana and others*, CWP No.23875 of 2016, decided on 21.11.2016.

2. In brief, the facts are that the petitioner applied for the post of Constable in the District Police Cadre pursuant to the advertisement issued on 31.05.2016. It is stated that the petitioner was issued an admit card and called for Physical Measurement Test which she did not clear. Consequently, she was not called for the Physical Screening Test and the subsequent interview. The petitioner claims that she has the requisite educational qualification and the marks to be offered appointment. It is stated that several persons who were not satisfied with their height measurement approached

this Court in writ petitions, one of them being CWP No.22985 of 2016 where the High Court had ordered height to be remeasured. On reading public notice issued regarding remeasurement of height of those writ petitioners, the petitioner asked for her height to be remeasured as well, which request has been declined. Thus, the instant writ petition has been filed seeking the height to be remeasured.

3. The main argument of the counsel for the petitioner is that since this Court itself has directed the height of the candidates to be remeasured in terms of the judgment rendered in *Sonu Singh's case (supra)*, the petitioner would be entitled to the same benefit as well since the direction was given in regard to the same advertisement.

4. However, this Court is not inclined to allow the re-measurement of the height of the petitioner considering the fact that the petitioner was not a party to the proceeding before this Court in CWP No.22985 of 2016. The petitioners therein were vigilant in approaching the High Court in 2016 itself raising a grievance that their height had not been measured correctly, whereas the petitioner seems to have accepted that she did not have the necessary height and sat back.

5. Moreover, a perusal of the Public Notice issued on 13.12.2021 would reflect that the exercise of re-measurement has already been done and the provisional merit list prepared as would be evident from Annexure P-10. At this stage, this Court will not permit the list to be recast on account of a candidate who was not vigilant enough to agitate that she was dissatisfied with her height measurement, and now seeks to piggy back on the relief

given to the others who have been agitating for the claim from the very first instance.

6. Writ petition, being devoid of merit, stands dismissed.

12.05.2022

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**(JAISHREE THAKUR)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No