

110.

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

CWP-17930-2022

Date of Decision: 17.08.2022

GURPREET SINGH

.... Petitioner

Versus

STATE OF PUNJAB AND ANOTHER

.... Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. RVS Chugh, Advocate, for
Mr. Krishan Daaria, Advocate, for the petitioner.

JAISHREE THAKUR.J

1. The petitioner herein has approached this Court invoking Articles 226 and 227 of the Constitution of India seeking a writ in the nature of mandamus directing the official respondents to re-measure his height, for being appointed to the post of Male Constable, in view of judgment passed by this Court in CWP No.22985 of 2016 titled as ***Raghvir Singh and others Versus State of Punjab and others***, dated 05.07.2021 (Annexure P-2).

2. In brief, the facts of the case are that pursuant to the advertisement that was issued on 31.05.2016 (Annexure P-1), the petitioner participated in the selection process for the post of Male Constable under General Category, however, he was not placed in the merit list. His grievance is that he is 6 feet in height, however, he was measured as 5' 11.5" and accordingly, awarded 14 marks.

3. Learned counsel appearing on behalf of the petitioner would argue that if the height of the petitioner is re-measured, he would come into

the zone of selected candidates. It is stated that several persons, who were not satisfied with their height measurement, approached this Court in a bunch of writ petitions, decided with CWP No.22985 of 2016, titled as *Raghvir Singh and others Versus State of Punjab and others* wherein the High Court vide judgment dated 05.07.2021 had ordered the height to be re-measured and then prepare the merit list accordingly. The petitioner would also be entitled to have his height re-measured which has not been done despite his representation dated 15.07.2021. Thus, the petitioner has approached this Court seeking his height to be re-measured and appointed as Constable.

4. The main argument of learned counsel appearing on behalf of the petitioner is that since this Court itself has directed the height of the candidates to be re-measured in terms of the judgment rendered in *Raghvir Singh's* (supra), the petitioner would be entitled to the same benefit as well, since the direction was given in regard to the same advertisement.

5. 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 sat back for a period of about five years and accepted the height as measured. He filed representation dated 15.07.2021 (Annexure P-3) before respondent No.2 only after the directions issued by the High Court, most probably to create a ground to file the writ petition after a long slumber of five years.

6. Moreover, the merit list for the above said posts must have been prepared and exhausted by this time. So at this stage, this Court will not permit the list to be recast on account of a candidate who was not vigilant enough to his right and now seeks to piggy back on the relief given to others who have been agitating for the claim from the very first instance.

7. A perusal of Annexure P-3 (typed copy) at page 95 of the paper book, the alleged representation made by the petitioner, would show that it is at complete variance to Annexure P-3 (vernacular copy) at page 104. In fact the typed copy of Annexure P-3 is not at all the english translation of the vernacular, which appears to be a handwritten application of the petitioner, whereas the translation at page 95 is rather a representation made by one Rashpal Sigh son of Jagdev Singh, resident of Village Dhingar, District Mansa and the most strange thing is that the entire writ petition has been drafted on the basis of the said english translation appended at page 95 which is obviously at variance with vernacular representation, Annexure P-3, at page 104. The petition is thus bad on facts.

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

(JAISHREE THAKUR)
JUDGE

17.08.2022

sanjeev

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