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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP-20053-2021 (O&M)

Date of Decision: 10.08.2022

JASWANT SINGH

.... Petitioner

Versus

STATE OF PUNJAB AND OTHERS

.... Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Amandeep Singh Rai, Advocate,
for the petitioner.

Ms. Deepali Puri, Additional Advocate General, Punjab.

JAISHREE THAKUR.J

CM-11163-CWP-2022

Application is allowed, as prayed for.

Document Annexure A-1, that is, waiting list for the recruitment of Warders (Male) in Jail Department, Punjab for the year 2016, is taken on record, subject to all just exceptions.

CWP-20053-2021

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 re-measure 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 and Armed 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 he did not clear. Consequently, he was not called for the Physical Screening Test and the subsequent interview. The petitioner claims that he has the requisite educational qualification, marks and the height to be offered appointment. It is stated that several persons who were not satisfied with their height measurement approached the High Court and this Court in one of the CWP No.17686 of 2019 ordered the height to be re-measured. It is submitted that the petitioner has been going from pillar to post to try and get his height measured correctly but to no avail. The petitioner would also like to rely on the document which is a waiting list for the recruitment of Warders (Male) of the year 2016, wherein the height of the petitioner was measured as 6 feet .

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 re-measured, the petitioner would be entitled to the same benefit as well. It is also argued that similarly placed candidates under the same advertisement have been permitted by the Court to have their height re-measured. Reliance has been placed upon judgement rendered in ***CWP No.22985 of 2016*** titled as ***Raghvir Singh and others Versus State of Punjab and others***, decided on 05.07.2021.

4. Whereas learned counsel appearing on behalf of the respondents submits that the petitioner cannot be permitted to take any advantage of the orders passed in CWP No 22985 of 2016 as he was not a party in those proceedings.

5. I have heard the counsel for the parties and find no merit in the writ petition.

6. The petitioner whose candidature had been rejected on account of not fulfilling the criteria of having the required height had accepted the verdict and sat back for 5 years and did not agitate for re-measurement as did some candidates who approached the Court. The petitioners in CWP No.22985 of 2016 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 the measurement.

7. Learned Single Judge in the judgment as rendered in CWP No. 22985 of 2016 only permitted re-measurement of height of those who had approached the Court and did not direct re-measurement of all who did not qualify. The petitioner has approached the court only when relief had been allowed by the High Court in the above noted writ petition. At this stage, this Court will not permit the final list to be recast on account of a candidate who was not vigilant enough to agitate that he was dissatisfied with his 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. Even the plea that he was measured with a height of 6 feet in the selection process of male warder in 2016 can not be accepted at this late stage.

8. At this juncture, it would also be pertinent to note that this Court has already dismissed similar plea in CWP No.10317 of 2022 and that a coordinate Bench had dismissed a similar writ petition i.e CWP No.1058 of 2022 which order has been upheld by the LPA Bench.

9. Consequently finding no merit, the writ petition stands dismissed.

(JAISHREE THAKUR)
JUDGE

10.08.2022

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