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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-8878-2016 (O&M)
Date of decision: 24.11.2022

SATPAL SINGH

...Petitioner

VERSUS

STATE OF PUNJAB & ORS

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

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

Mr. Mohit Kapoor, Addl. A. G., Punjab.

JAISHREE THAKUR, J.

CM-17711-CWP-2022

Prayer in this application is for placing on record the copy of advertisement of year 2011 for the post of Constable in Punjab Police as Annexure P-4.

The application is allowed. The document Annexures P-4 is taken on record.

CWP-8878-2016

1. The present writ petition has been filed under Articles 226/227 of the Constitution of India seeking appointment to the post of Constable in Punjab Police.

2. In brief, the facts are that the petitioner herein applied for the post of Constable in the year 2010 in District Police in Sangrur Cadre. In the final

merit list prepared, the petitioner was given a total of 26.50 marks and on account of low marks, he was not selected for the said post. He had scored 13 marks for having a height of 5 feet 10 inches, 12 marks for his educational qualifications and 1.5 marks for interview. The petitioner again applied for the same post in the year 2011 and secured 27.50 marks i.e. 12 marks for his height reflected at 5 feet 9.5 inches, 13 marks for education, 2.5 marks for interview. He however was not appointed. The petitioner represented to the authorities concerned and stated that he had all the requisite qualifications to be appointed. It is submitted that in the selection process for the 2010, he was given 13 marks for his height, however in the subsequent selection, he was given only 12 marks. Had he been given that additional 1 mark for his height, he would have come into the zone of consideration in the 2011 selection. The petitioner moved a representation on 09.04.2012 to the respondents to redress his grievance. Subsequent representations were filed on 23.08.2013, 04.02.2014, 24.10.2015 and 04.04.2016. Since there was no reply, the present writ petition was filed in the year 2016.

3. Learned counsel appearing on behalf of the petitioner would contend that the petitioner had applied to be appointed, pursuant to an advertisement issued in the year 2010, as a Constable in District Police Sangrur where his height was measured as 5 feet 10 inches, and accordingly had been given 13 marks, whereas in the subsequent selection in the year 2011, his height has been measured at 5 feet 9.5 inches and consequently, was only given 12 marks. It is argued that the same authorities had measured his height and there are two different measurements forthcoming.

4. Learned counsel appearing on behalf of the respondents-State, on the other hand, would urge that the petitioner herein had applied for being recruited as a Constable under a selection process initiated in the year 2010, 2011 and in the year 2016. In the year 2010, he did not have the necessary marks to be appointed on account of having low marks. In the year 2011, he again did not have the necessary marks to be appointed on account of having low marks as the last selected candidate in the General Category obtained 28.50 marks and the petitioner had obtained 27.50 marks and his aggregate did not make the cut-off. The petitioner again applied for being appointed as Constable in the advertisement issued in the year 2016, but he failed in the trial of 1600 meter race. His height was measured at 5 feet 9.5 inches and he was given the appropriate marks for it. It is submitted that the measurement that was done of his height in the year 2011 and in the year 2016 is the same i.e. 5 feet 9.5 inches. It is also submitted that the instant writ petition is barred by delay and laches as the petitioner is seeking to challenge the recruitment process of Constable, which was held in the year 2011 in the year 2016, after a gap of 5 years.

5. I have heard learned counsel for the parties and have also perused the pleadings of the case.

6. The petitioner herein, who had applied to be appointed as a Constable in the year 2010 had been given 13 marks for his height, which was measured at 5 feet 10 inches. In the subsequent two selections, his height has been measured at 5 feet 9.5 inches and the petitioner has been given the appropriate marks. It would be relevant to note that the height of the petitioner in the recruitment process for the year 2011 and 2016 is the same i.e. 5 feet 9.5

inches.

7. The petitioner by way of the present writ petition has prayed for his selection as Constable in the Punjab Police by taking into account that his height is 5 feet 10 inches as measured in the selection process, which was undertaken in the year 2010. However in two subsequent selections i.e. in the year 2011 and 2016, his height has been measured to be 5 feet 9.5 inches and the marks have been given accordingly. The petitioner did not raise any issue regarding wrong measurement of his height when it was measured in the year 2011 to be 5 feet 9.5 inches and raised a grievance only much later i.e. in the year 2012 and kept making representations once in a year instead of having approached the Court. As on date, the height of the petitioner as measured on two different occasions is 5 feet 9.5 inches and, therefore, necessary marks for his height as measured in the year 2010, cannot be given for a selection that took place in the year 2011.

8. Consequently, the instant writ petition being devoid of any merit, is hereby dismissed.

24.11.2022
Chetan Thakur

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No