

249/3.

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

CWP-24923-2021

Date of Decision: 10.08.2022

PARVINDER SINGH

.... Petitioner

Versus

STATE OF PUNJAB AND ANR.

.... Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Sukhdev Singh Khokher, Advocate,
for the petitioner.

Ms. Deepali Puri, Additional Advocate General, 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 the official respondents to re-measure the height of the petitioner, conduct interview and offer him appointment to the post of Male Constable.

2. In brief, the facts are that the petitioner applied for the post of Male Constable in the District and Armed Police Cadre, under BC category, pursuant to an advertisement issued on 31.05.2016 (Annexure P-1). He participated in the selection process, however, despite having requisite educational qualification, marks and height to be offered appointment, his name did not find mention in the merit list which was uploaded on the official website on 26.10.2016. It is claimed that he was 6 feet in height, however, he was measured as 5 feet 11 inches, depriving him of 1 mark. The

cut-off score under the BC category was 28 marks, however, the petitioner scored 27 marks. It is submitted that in case he was correctly measured, he would have come under the zone of consideration. It is submitted that the petitioner approached number of times to the department, but to no avail. In 2021, he got information from the department about his result by filing an application under the RTI Act. Thereafter, on 17.11.2021, he sent a representation ventilating his grievance, but till date, no action has been taken thereon.

3. The main argument of the counsel for the petitioner is that since this Court itself had 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. The coordinate Bench 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.

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