

**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

CWP No.2347 of 2017 (O&M)
Date of Decision: April 25, 2022

Sonia Sharma

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Ajay Kumar, Advocate
for the petitioner.

Mr. Tapan Kumar, DAG Haryana.

JAISHREE THAKUR, J. (Oral)

The instant writ petition has been filed for issuance of a writ in the nature of *certiorari* for quashing the action/decision of respondent No.3 (Annexure P-9) whereby, the claim of relaxation of petitioner was rejected. Further, a prayer has been made to direct respondents No.2 and 3 to give relaxation in height to the petitioner being outstanding sports person in recruitment process of Police Constable, 2015.

Briefly, the facts of the case are that the petitioner herein applied for the post of Constable (General Duty) in Police Department, pursuant to the advertisement issued by respondent No.2 on 19.07.2015. The petitioner applied for the post of Constable, as there was specific column for the outstanding sports person and the petitioner gave her sports

achievements detail in that column. It is claimed that the petitioner knew from the beginning that her height is less than prescribed criteria, but she relied upon the specific wording of advertisement, in which it was mentioned that relaxation will be given to the outstanding sports person in height and chest. It is submitted that in the advertisement, vide letter dated 05.08.2015, it was later on inserted in para No.1 that the selection shall be made in accordance with the provisions of Rule 12.6 & 12.19 of Punjab Police Rules, 1934, as applicable to the Haryana and Government instructions issued from time to time. It is claimed that as per the amended Punjab Police Rules, it is provided that relaxation in chest and height measurement upto 3 centimeters may be granted by the Director General of Police for recruitment of outstanding sports person after recording reasons in writing. The petitioner cleared the physical screening test and the written examination and thereafter, called for verification/scrutiny of documents-cum-physical measurement test on 30.09.2016 at Tau Devi Lal Stadium, Sector 3, Panchkula and shockingly, she was ousted from the recruitment on the basis of less height as per prescribed criteria. The petitioner gave a written representation on 30.09.2016 to respondent No.2 for giving relaxation in height, as per advertisement and as per the Punjab Police Rules in the category of outstanding sports person, but no response was given by the office of respondent No.2. Feeling aggrieved, the petitioner gave an application/representation to respondent No.3-DGP, Haryana Police, Panchkula on 13.10.2016 for providing relaxation to the petitioner being outstanding sports person, but the relaxation was not given to the petitioner. After that, the petitioner received a letter from respondent

No.3 on 07.12.2016 in which it was advised to the petitioner to apply for the post of Constable in sports quota when it will be advertised by HSSC and it was further mentioned in the letter that the quota of sports person is not available to the general recruitment of constable. Hence, the instant writ petition.

Notice of motion was issued in the matter, pursuant to which appearance has been caused on behalf of the respondents.

Mr. Ajay Kumar, learned counsel appearing on behalf of the petitioner would argue that the petitioner's candidature for the post of Police Constable has been rejected on the ground that she does not fulfill the required standard height. It is pointed out that under Rule 12.16 of the Punjab Police Rules, in case of a candidate for the recruitment of outstanding sports man, the Director General of Police for recruitment can exercise power, insofar as relaxation of chest and height measurement upto 3 inches is concerned. It is contended that the petitioner's candidature for the post of Police Constable is with reference to achievement in the sports, therefore, she is entitled for relaxation of height measurement.

Per contra, Mr. Tapan Kumar, learned DAG Haryana, appearing on behalf of the respondents with argue that the height of the petitioner is measured as 155 centimeters whereas, the required height as per Rule 12.15 and as per advertisement is 157 centimeters for EBPGC category to which the petitioner belongs. It is contended that due to lesser height, the petitioner could not qualify the physical measurement test. It is pointed out as per Rule 12.15, the appropriate authority to give relaxation in the minimum physical standards to the outstanding sports person is the

Director General of Police, Haryana and it can be granted for recruitment of outstanding sports person, while the recruitment process in question is for everyone in general and not restricted to outstanding sports person, as such, the instant petition is liable to be dismissed.

I have heard learned counsel for the parties, apart from perusing the pleadings of the case.

The short question involved for consideration in the present case is whether the petitioner is entitled for relaxation of height measurement for the purpose of selection and appointment to the post of Police Constable or not?

The claim of the petitioner is based solely on the argument that being a outstanding sports person, she is entitled to relaxation of 3 inches in height as per Rules 12.15 and 12.16 of the Punjab Police Rules, 1934, as applicable to Haryana. The height of the petitioner is measured as 155 centimeters whereas, the required height as per Rule 12.15 is 157 centimeters for EBP GC category, to which the petitioner belongs. The advertisement dated 19.07.2015 is available on record as Annexure P-1 and it shows that under Category No.2, 1000 posts of Female Constable (General Duty) were advertised and the height required under the heading of physical standard was 160 centimeter for general category and for the eligible reserve categories, it was 157 centimeters. Rule 12.15 of the Punjab Police Rules Rules, also provides so as the minimum prescribed physical standard for candidate for recruitment as Constable in case of Female candidate. No doubt, suitable relaxation in minimum physical standards may be granted by the Director General of Police for recruitment of

outstanding sports person, after recording reasons in writing, however, the advertisement shows that the recruitment process in question is for everyone in general and not for recruitment of outstanding sports person, as such, the claim laid by the petitioner for herself alone would not be sustainable.

In view of the above discussion, the instant petition is hereby dismissed, being devoid of any merits.

April 25, 2022
vijay saini

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No