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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 13571 OF 2022**

Janardhan S/o. Shahadev Dhaytadak ... Petitioner
vs.
State of Maharashtra and Ors. ... Respondents

Mr. Harshad Sathe a/w. Ms. Manvi Sharma for the Petitioner
Ms. R. A. Salunkhe, AGP for the Respondent nos. 1 to 3 -State.

**CORAM : S.V. GANGAPURWALA, ACJ. &
SANDEEP V. MARNE, J.
DATED : 7 FEBRUARY, 2023**

P.C. :-

1. Under order dated 27 January 2023 we have directed competent authority as follows :

7. The Respondent/Competent Authority may once again measure the height of the Petitioner and the report be submitted.

8. The learned A.G.P submits that the height would be measured at J.J. Hospital.

9. The Petitioner and the representative of the Respondents shall remain present at J. J. Hospital on 02.02.2023 at 11.00 am.

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2. Under order dated 27 January 2023 we have directed the competent authority once again to measure the height of the petitioner. The petitioner was directed to remain present at Sir. J. J. Hospital initially on 2 February 2023 and as per request made subsequently on 4 February 2023. Pursuant thereto the petitioner remained present before the Committee at Sir. J.J.Hospital, Mumbai. The height of the petitioner was measured and the same is found to be 165.16 cm. The required height is 165 cm.

3. The petitioner had applied for NTD General Category for the post of Police Constable Driver. The petitioner was not given appointment on the ground that subsequently the height measured was 164.7/164.8 cm. Now that the measurement of the height has been undertaken at Sir J. J. Hospital, Mumbai and the height recorded is 165.16 cm the petitioner certainly now can be considered for appointment.

4. The learned ACP HQ-II, Kishore Gaike, Mumbai Police is present in court and makes a statement that the petitioner would be accommodated in service without disturbing any other candidate.

5. In the light of that, impugned judgment of the tribunal is quashed and set aside, so also the impugned communication.

6. The respondent may consider the petitioner for appointment for the post of Police Constable Driver in accordance with rules.

7. Writ Petition is accordingly allowed. No costs.

(SANDEEP V. MARNE, J.)

(ACTING CHIEF JUSTICE)