

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP-1264-2022(O&M)

Date of decision : 09.08.2023

Rahul Yadav

... Petitioner

Versus

State of Haryana and another

... Respondents

CORAM: HON'BLE MR.JUSTICE VIKAS BAHLPresent: Mr.Manish Mehta, Advocate
for the petitioner.Mr.Amandeep Joshi, DAG, Haryana
for the respondents.**VIKAS BAHL, J.(ORAL)**

1. This is a civil writ petition filed under Articles 226/227 of the Constitution of India for issuance of a writ, order or direction especially in the nature of mandamus directing respondent no.2 to again conduct the height examination of the petitioner and declare fresh final result of the petitioner. A further prayer has been made for issuance of a writ in the nature of certiorari to quash the result dated 31.12.2021 qua BCB category (Annexure P-3) and declare result again.

2. On 16.03.2022, a coordinate Bench of this Court was pleased to direct the Haryana Staff Selection Commission, Panchkula to re-measure the height of the petitioner 24.03.2022 at 11:00 AM.

3. Learned State counsel has pointed out that in pursuance of the said order, the petitioner appeared and his height was re-measured and the same was found to be 183.6 cms as had been in the earlier case. It is further

prior to the passing of the order by a coordinate Bench of this Court, the same was done in the presence of Medical Officer and a representative of the Sports Department and an official from the respondent-Commission and the said officers had signed the physical measurement test report of the candidate to rule out of any chance of error. It is also submitted that the petitioner had also duly signed the undertaking in his physical measurement test report and the said undertaking specifically records that the petitioner is satisfied with the said measurement. Paras 12 and 13 of the reply filed on behalf of respondent no.2 are reproduced hereinbelow:-

"12. That the main contention of the petitioner was to re-measure his height and in this regard it is submitted that at the time of Physical Measurement Test (PMT), the height of the petitioner was measured to be 183.6 CMs as per her Physical Measurement Test Report. The Physical Measurement Test Report of the petitioner is annexed as Annexure R-2/1 Further, the Hon'ble High Court has already directed the answering respondents to get the height of the petitioner re-measured vide order dated 16.03 2022 and the said process has been completed, in which his height is measure as same Thus, the petitioner is entitled for 08 marks as per terms and conditions in the advertisement.

13. That it is pertinent to mention here that the Physical Measurement Test (PMT) of every candidate is done in presence of a Medical officer, a Representative of Sport Department and an official of Respondent-Commission. These respective officers also sign the Physical Measurement Test Report of every candidate to rule out chance of error. It is pertinent to mention here that all three officials have signed the report of the petitioner.

It is further pertinent to mention here that the petitioner has also duly signed the undertaking in his Physical Measurement Test Report The undertaking is reproduced below:-

"This is to certify that my PMT was held today i.e. on 09-09- 2021 at 11.05.47 and the measurement were recorded in my presence by the concerned officer. I am fully satisfied with the measurement taken and accept the result.

Sd/-

20.02.2019

(Signature of candidate with date)"

It is submitted that on the basis of the said reply, the present petition has been rendered infructuous as the primary prayer of the petitioner was to direct respondent no.2 to conduct height examination again, which has been done. It is further submitted that in addition to the above, even the last selected candidate has not been impleaded as party and the selection process is over and recommendations have been sent to the department.

4. Learned counsel for the petitioner has submitted that in view of the above, the present petition has been rendered infructuous and prays that the same be disposed of.

5. In view of the abovesaid facts and circumstances as well as the statement of learned counsel for the petitioner, the present petition is disposed of as having been rendered infructuous.

6. Pending miscellaneous application, if any, shall stand disposed of in view of the abovesaid order.

(VIKAS BAHL)
JUDGE

August 09, 2023
Davinder Kumar

Whether speaking / reasoned	Yes/No
Whether reportable	Yes/No