

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

128+256 (2 cases)

CWP-1717-2023 (O&M)

Date of Decision : 11.12.2023

Kamaljeet Singh

..... Petitioner

Versus

State of Punjab and others

..... Respondents

2.

CWP-1935-2023

Ramneek Sharma

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr.G.P.S.Bal, Advocate
for the petitioner in CWP-1717-2023.

None for the petitioner in CWP-1935-2023.

Mr. Deepanjay Sharma, DAG, Punjab.

Mr.Abhinav Sood, Advocate
for UT, Chandigarh.

JAGMOHAN BANSAL, J. (Oral)

1. By this common order, CWP-1717-2023 and CWP-1935-2023 are disposed of as issue involved in both the petitions is common. For the sake of convenience, the facts are borrowed from CWP-1717-2023.

2. On 16.02.2023, the following order was passed :

“Notice of motion.

On the asking of the Court, Mr. Sehajbir

S.Aulakh, Asstt. A.G., Punjab accepts notice on behalf of the respondents-State.

In the considered opinion of this Court, it would be in the fitness of the things that the height of the petitioner be ordered to be re-measured by an independent agency by using digital stadiometer.

The petitioner is directed to appear before the Medical Board to be constituted by Director Principal, Govt. Medical College and Hospital, Sector 32, on 17.03.2023. The Director will constitute a Board, to measure the height of the petitioner by using digital stadiometer which will submit its report by 17.05.2023 before this Court.

The copy of the order be served upon the Director-cum-Principal Secretary, Govt. Medical College and Hospital, Sector-32, Chandigarh through Senior Standing Counsel, U.T. Chandigarh, for necessary compliance.

Adjourned to 17.05.2023.”

3. Pursuant to aforesaid order, the petitioners were subjected to medical examination by Government Medical College and Hospital, Sector 32, Chandigarh. The height of the petitioners was re-measured by Board of Doctors. The report was not accepted by respondents on the ground that the college is not equipped with digital stadiometer and height was measured with manual stadiometer.

4. On account of objection raised by respondent, the matter was referred to PGIMER, Chandigarh. A Board by doctors came to be constituted by PGIMER, Chandigarh. The Board again measured height of the petitioners. The height was measured using digital stadiometer. As per report, the height of petitioners is as below :

(i) Kamaljeet Singh 166.2 cm

(ii) Ramneek Sharma 165.6 cm

5. Learned State counsel submits that the respondents vide order dated 25.05.2023 has constituted a Board to consider cases where there is dispute of height. The present petitions may be disposed of with liberty to the petitioners to approach aforesaid committee which would decide their prayer in accordance with law. He further doubts the digital stadiometer of PGIMER, Chandigarh because it has not been approved by Department of Legal Metrology.

6. There is no reason to doubt authenticity of report of PGIMER, Chandigarh especially when report has been prepared by PGIMER, Chandigarh on the direction of this Court and a team of doctors has carried out the job.

7. A committee has been constituted by respondents on 25.05.2023. The height of the petitioners was re-measured by PGIMER, Chandigarh on 22.05.2023. This Court on 29.05.2023 directed the respondents to consider case of the petitioners in terms of height measured by PGIMER, Chandigarh. If the petition, at this stage, is disposed of with a direction to the petitioner to approach committee constituted by respondents, in the considered opinion of this Court, the entire exercise carried out by this Court as well as two premier Government Hospitals would become futile. It would not be in the fitness of things and interest of justice that petitioners are directed to approach the committee constituted by the respondent.

8. In the light of above facts and findings, this Court is of the considered opinion that respondents should consider claim of the

petitioners in the light of report of PGIMER, Chandigarh.

9. In view of the above, the petitions stand disposed of.
10. Pending applications, if any, shall also stand disposed of.

11.12.2023
anju

(JAGMOHAN BANSAL)
JUDGE

Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>