

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

122

CWP-25194-2023

Date of decision: 08.11.2023

HEERA SINGH**.....Petitioner****VERSUS****STATE OF PUNJAB AND ANOTHER****.....Respondents****CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA**

Present: Mr. Ravi Dangi, Advocate for
Mr. Subhash Kumar, Advocate
for the petitioner.

DEEPAK MANCHANDA J. (ORAL)

The instant petition has been filed under Article 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus, directing respondents to re-conduct fresh physical test of petitioner with regard to his height and chest measurement, as the petitioner has applied for the post of Firemen and he has completed his written exam (Annexure P-1) and his physical test conducted on 23.10.2023 (Annexure P-2), whereby, wrong measurement of his height and chest has been done and his candidature rejected on this ground, whereas, the height and chest of petitioner is absolutely confirmed and proper as per the requirement of recruitment, which is prima facie apparent from the record (Annexure P-3, P-4 and P-5), hence, the respondents may kindly be directed to re-conduct the measurement of petitioner and to decide his representation (Annexure P-6) in a time bound manner, as the written and physical examination process have already been completed and now the final result is awaited, which takes around week to 10 days time and further prayed to direct the respondents not to declare the result of aforementioned recruitment, which is going to be declared within week or 10 days, otherwise, the petitioner shall have to suffer great loss which cannot be compensated on the terms of any pecuniary consideration.

Learned counsel for the petitioner contends that the petitioner had applied under the SC category for the post of Fireman in the Municipal Corporation in January, 2023 and cleared the written examination as well as physical test but he was disqualified on the ground that the height and chest of the petitioner is below minimum required criteria. The Physical Measurement Test Report dated 23.10.2023 (Annexure P-2) of the petitioner is as under:-

	Required	Obtained
Height (CM)	5ft 5 in	5 ft 4.84 in
Normal Chest (CM)	33.5 in	33.8 in
Expanded Chest (CM)	35 in	34.3 in
Chest Expansion (CM)	1.5 in	0.5 in

Learned counsel further condents that the petitioner had also cleared the physical test of NIELIT. The Physical Measurement Test Report dated 01.05.2023 (Annexure P-3) of the petitioner is as under:-

	Required	Obtained
Height (CM)	167	167.0
Normal Chest (CM)	79	86.5
Expanded Chest (CM)	84	91.9
Chest Expansion (CM)	5	5.4

Learned counsel submits that the petitioner was disqualified from the above-said post only due to inaccurate height and chest measurement by respondents and has approached the Secretary, Subordinate Service Selection Board-respondent No.1 by way of representation dated 30.10.2023 (Annexure P-6), which has not been taken into consideration till date and the petitioner would be satisfied if necessary directions are given for deciding the representation in a time bound manner.

Notice of motion.

On asking of the Court, Mr. Arun Gupta, AAG, Punjab, who is present in the Court, accepts notice on behalf of the respondents and submits that

respondent No.1 is the competent authority to take final decision and he does not object to the prayer made by learned counsel for the petitioner.

In view of the pleadings in the present petition, without expressing any opinion on the merits of the case, respondent No.1 is directed to decide the representation dated 30.10.2023 (Annexure P-6) by passing a speaking order in accordance with law within a period of 10 days from the date of receipt of certified copy of this order.

The petition stands disposed of.

November 08, 2023
Nisha-II

(DEEPAK MANCHANDA)
JUDGE

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