



\$~25

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% Date of decision: 16.11.2023.

+ W.P.(C) 2032/2023 & CM APPL. 7701/2023

INSPECTOR TD CYRIL MIMIN ZOU Petitioner

versus

UNION OF INDIA & ORS Respondents

Advocates who appeared in this case:

For the Petitioner: Mr. M D Jangra, Advocate.

For the Respondents: Mr. Sushil Kumar Pandey, Senior Panel Counsel
with Ms. Neha Yadav, Advocate.

CORAM:-

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

HON'BLE MR. JUSTICE MANOJ JAIN

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioner impugns order dated 01.11.2011 whereby petitioner was declared unqualified on the ground that his height is 163 cm and as per the respondent the prescribed standard height is 165 cm.

2. By order dated 17.02.2023, it was directed that the respondent shall permit the petitioner to proceed in the selection process, however, the result shall be kept in a sealed cover. It was also directed that the height in question shall not be taken into consideration while allowing the petitioner to participate in the selection process.

3. Respondents have permitted the petitioner to continue in the selection process for the moment ignoring the height condition.



4. The result of the petitioner has been produced in a sealed cover and it is noticed that petitioner has scored lower marks in merit than other candidates belonging to the same category i.e. Scheduled Tribe.
5. It is stated by learned counsel for respondent that there is no vacancy in the Scheduled Tribe category. However, learned counsel for petitioner submits that there is one vacancy in Scheduled Tribe category in ITBP.
6. Without getting into the said controversy, it is noticed that petitioner is not the senior most in order of merit in the Scheduled Tribe category. Even if there were one vacancy, the vacancy is liable to be filled by a person senior in merit to the petitioner.
7. Since petitioner has not made it on merit, we are not examining the question of relaxation in terms of height raised by the petitioner. Said question is left open.
8. The result of the petitioner shall now be released and published.
9. The petition is accordingly, disposed of.

SANJEEV SACHDEVA, J

MANOJ JAIN, J

NOVEMBER 16, 2023/sw