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* IN THE HIGH COURT OF DELHI AT NEW DELHI

% Date of decision: 18th May, 2023

+ W.P.(C) 6664/2023 & CM APPLs. 26105/2023, 26106/2023

SUBRATA BARMAN AND ORS.

..... Petitioners

Through: Mr. Ajay Garg, Ms. Tripti Gola, Ms. Lhingdeihat Chongloi & Mr. Arvind Sardana, Advocates.

versus

STAFF SELECTION COMMISSION AND ORS.

..... Respondents

Through: Mr. Ajay Jain, Sr. Panel Counsel, Mr. Prashant Rawat, Govt. Pleader & Mr. Krishna Sharma, Advocate for R-2 & 3.

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

J U D G M E N T (oral)

1. Vide the present petition, the petitioners are seeking following reliefs:

“a.) quash the rejection slips dated 02.05.2023, 08.05.2023 and 06.05.2023 in respect of Mr. Subrata Barman/petitioner no.1 (Roll No.4415000419) and Mr. Sumit Kumar/petitioner no.2 (Roll No.2201004855) and Mr. Aniket Bharati/petitioner no.3 (Roll No.4205035924) respectively, issued by the respondents, whereby the candidatures of the petitioners were wrongly rejected being not qualified in the PST (Height) in the selection process for the post of Constable (GD) in Central Armed Police Forces (CAPFs), SSF, Rifleman (GD) in Assam Rifles and Sepoy in Narcotics Control Bureau, 2022as advertised by the respondents in 2022;

b.) to direct the respondents to conduct the re-measurement of

height of the petitioners preferably in some Government/Army Hospital and if found qualified, allow them to participate the further selection process i.e. PET and Medical Examination & Verification of Documents for the post of Constable (GD) in Central Armed Police Forces (CAPFs), SSF, Rifleman (GD) in Assam Rifles and Sepoy in Narcotics Control Bureau, 2022.”

2. The case of the petitioners is that the respondents have wrongly measured the height of the petitioners as under:

S. No.	Name	Height in Centimeter
1.	Mr. Subrata Barman (Petitioner No. 1)	168.5
2.	Mr. Sumit Kumar (Petitioner No. 2)	169.1
3.	Mr. Aniket Bharati (Petitioner No. 3)	169.5

3. As per the Medical Certificates (Annexure P-4), the height of the above three petitioners is as under:

S. No.	Name	Height in Centimeter
1.	Mr. Subrata Barman (Petitioner No. 1)	170
2.	Mr. Sumit Kumar (Petitioner No. 2)	170
3.	Mr. Aniket Bharati (Petitioner No. 3)	171

4. Since, there is a dispute in regard to the height recorded by the

respondents in Rejection Slips and in the Medical Certificates which are Annexure P-4 to the present petition, in the interest of justice, we hereby direct the Chief Medical Officer, Delhi High Court Dispensary to measure the height of the petitioners and send the report to the respondents within two weeks from today.

5. It is made clear that the report of the Chief Medical Officer, Delhi High Court Dispensary shall be final and binding on the parties.

6. We hereby make it clear that if the height of the petitioners is 170 cms, the respondents shall allow the petitioners to participate in further selection process.

7. Accordingly, the present petition along with pending applications is disposed of.

(SURESH KUMAR KAIT)
JUDGE

(NEENA BANSAL KRISHNA)
JUDGE

MAY 18, 2023

S.Sharma