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

% **Date of decision: 26th May, 2023**

+ **W.P.(C) 7450/2023 & CM APPL. 28960/2023**

MANGAL SINGH AND ANR.

..... Petitioners

Through: Mr. Amit Kaushik, Advocate.

versus

UNION OF INDIA AND ORS.

..... Respondents

Through: Mr. Virendra Pratap Singh Charak, Mr. Ravindra Vikram, Ms. Shubra Parashar, Mr. Sahil Kapoor, Mr. Harjot & Mr. V.K. Singh, Advocates.

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

J U D G M E N T (oral)

CM APPL. 28961/2023 (Exemption)

1. Allowed, subject to all just exceptions.
2. The application is disposed of.

W.P.(C) 7450/2023

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

“a.) The Hon’ble court may be pleased to set-aside the decision dated 2nd and 3rd May, 2023 of the Respondent No. 2 disqualifying the Petitioners due to height;

b.) The Hon’ble court may be pleased to direct the respondent to correctly re-measure the height of the petitioners in a time-bound manner;



c.) The Hon'ble court may be pleased to direct the Respondents to allow the Petitioner to participate in the further recruitment process."

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 Centimeters
1.	Mr. Mangal Singh (Petitioner No. 1)	168
2.	Mr. Rupesh Sharma (Petitioner No. 2)	169.5

3. As per the Medical Certificates (Annexure P-5), the height of the above two petitioners is as under:

S. No.	Name	Height in Centimeters
1.	Mr. Mangal Singh (Petitioner No. 1)	170.5
2.	Mr. Rupesh Sharma (Petitioner No. 2)	171.5

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-5 to the present petition, in the interest of justice, we hereby direct the respondents to measure the height of the petitioners at or before 11:00 A.M on the date to be fixed by the respondents.

5. We hereby make it clear that the report shall be final and binding on the parties.



6. We hereby make it clear that if the petitioners are found fit, the respondents shall allow the petitioners to participate in further selection process.

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

(SURESH KUMAR KAIT)
JUDGE

(NEENA BANSAL KRISHNA)
JUDGE

MAY 26, 2023
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