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IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

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CWP-19431-2024 (O&M).
Date of Decision: 12.08.2024.

LT. COL. KRISHAN GOPAL SHARMA

.. Petitioner

Versus

UNION OF INDIA AND ANOTHER

... Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.

Present: Petitioner-in-person.

Mr. Satya Pal Jain, ASGI with
Ms. Shreyansi Verma, Central Govt. Counsel,
for respondents No.1, 8 and 11.

VINOD S. BHARDWAJ, J. (ORAL)

1. Prayer made in the present writ petition is for directing the respondents to consider legal notice dated 17.02.2024 (Annexure P-6) and validate and release the Research Work Book on “Weight Classification 2021” with a further request for a survey support for the next research book “Seven Ideal Weights” to be published in the year 2025-26, to the petitioner.
2. The petitioner appearing in person is a retired Lieutenant Colonel who asserts that he is author of the book “Weight Classification 2021” based on HMI (Height Mass Index) concept published on 06.02.2022

by Atma Ram and Sons, Panjab University, Chandigarh. He contends that

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data sheets attached as Annexures from Page Nos.112 to 125 in the book involves mathematics of Xth Class level and that he has sent his book to the Union of India as well as Indian Council of Medical Research and also to the Director Principal, Govt. Medical College, Medicine Department, Patiala and the Directorate of Research and Medical Education Punjab along with the office of the World Health Organization (WHO).

3. It is emphatically argued by the petitioner that the HMI concept has been revised by removing errors in the 173 years old concept of BMI (Body Mass Index) of Adolphe's, a Belgian Mathematician. He claims to have found the exact errors of BMI during his research work. He contends that there is a large scale public feeling that the Body Mass Index is a defective mode of ascertaining the weight height requirements and that his research findings on errors in the BMI as a Universal standard is a big victory. He contends that his cardinal piece of research is being ignored by the above said respondents and that they have not given any comments or response to the chapters and annexures of the book despite his seeking such validation for release of the book for the last more than two years. This Court extended an option to seek a counsel for himself under the Legal Aid, which he refused and insisted on personally arguing his case.

4 Following specific queries were raised to the petitioner:-

(i) What is the statutory form and manner in which the BMI and/or any other methodology for determination of the body weight and height index is fixed, he is not in a position to respond to the same.

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(ii) It was also asked as to whether, respondents No.1 to 5 are the competent authorities for determining the internationally accepted standards or not and under what law, a validation to a research work undertaken by the petitioner is required to be given by the said respondents, however, he is not in a position to respond to the said query.

(iii) It is also put to him as to whether any person has a right to seek validation of his research work from the State Agencies in an event of their refusal to apply their comments to the same, he is not in a position to respond to the same.

(iv) A further question is put as to whether the State or its instrumentalities can be obligated to fund a research work which the petitioner intends to carry out, he is not in a position to refer to any statutory provision mandating the respondent/Union of India to fund the research which the petitioner intends to undertake.

(v) It was also asked whether international standards of weights and measures are required to be followed under any international treaty or convention or each Nation can have its own standards, he is not in a position to offer any explanation.

(vi) It is also asked as to what would be the impact if his standards are not accepted globally and various persons

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become disqualified to participate in competitive tournaments, there is no reply.

(vii) A question was also posed as to whether the research was undertaken under the aegis of any recognized Institution/ Researcher and as regards his qualifications to undertake such a research. The response submitted by the petitioner is that he is an engineer and that 'Adolph' whose's BMI Index is internationally accepted over the last 173 years was a Mathematician and as such, no specific qualification is required for undertaking a research.

5 Since the instant writ petition has been filed for issuance of directions primarily in the nature of *mandamus*, unless a statutory obligation to validate or accept such research on the part of the said authority is established in law, a mandamus of the nature as is being asked for by the petitioner, in my considered opinion cannot be issued. For issuance of such directions to the respondents to consider the research work and to furnish their comments thereupon either agreeing or disagreeing with the same, there has to be a statutory obligation on the said authority to perform the said act. In the absence of any such obligation, issuance of any such direction by the Court of law would result in investing time of the Premier Research Institutions on all and sundry research papers that may be submitted to it and thus compel them to apply their focus on areas where they ought not to be investing their efforts and energy.

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6 Under the given circumstances, this Court feels that the present writ petition cannot be entertained by this Court and the same is accordingly dismissed.

August 12, 2024.
raj arora

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No