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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.

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Date of Decision: 24.07.2024.

Union of India and others

...Appellants.

Versus

Kuldeep

....Respondent.

CORAM: HON'BLE MRS. JUSTICE LISA GILL
HON'BLE MRS. JUSTICE SUKHVINDER KAUR

Present: Mr. Shivoy Dhir, Sr. Panel Counsel
for the appellant-UOI.

Mr. Anil Kumar Sharma, Advocate
for the respondent.

LISA GILL, J. (Oral)

1. Challenge in this appeal is to order dated 12.07.2019 (Annexure A-1), whereby CWP-25362-2016 filed by respondent/ writ petitioner, was allowed by learned Single Judge.
2. CWP-25362-2016 was filed by the respondent/ writ petitioner challenging order dated 04.11.2016, vide which he was not permitted to join training allegedly in a totally illegal and arbitrary manner. Writ petitioner sought direction to the respondent to allow petitioner to join the post in question in terms of appointment letter dated 15.09.2016.
3. Pursuant to advertisement dated 28.03.2015, writ petitioner had applied for the post of Sub Inspector in Central Industrial Security Forces.

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The petitioner having successfully qualified the written examination followed by physical efficiency test, was subjected to medical examination and ultimately offered appointment letter dated 15.09.2016. However, when the writ petitioner reported for training at the academy at Hyderabad on 22.10.2016, he was again subjected to physical examination and was not allowed to undergo training on ground that his height was 169 cms i.e. 1 cm less than the prescribed 170 cms, as stipulated in Clause 10 of the advertisement.

4. Appellant also received letter dated 04.11.2016 from the Commandant/ TRG, CISE, NISA, Hyderabad, stating that on scrutiny of the dossier received from Staff Selection Commission, petitioner's height was recorded to be 168 cms during PET & PST test, whereas the minimum height as per Staff Selection Commissioner guidelines for general category candidate is 170 cms. His height when measured by the Board of officers at the academy at the time of joining on 22.10.2016, was found to be 168 cms, therefore, he was not allowed to join training. It was further stated that petitioner's case had been taken up with Staff Selection Commission for further directions which would be conveyed to him. Aggrieved therefrom CWP-25362-2016 was filed by the respondent/ writ petitioner.

5. During pendency of CWP-25362-2016 and upon direction of the writ Court, Medical Board was constituted at Post Graduate Institute of Medical Education and Research, Chandigarh (for short, PGIMER, Chandigarh) for measurement of petitioner's height. As per report submitted by the Board petitioner's height was reported to be 169.5 cms. Report by

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PGIMER was not disputed. Keeping this in view, it was directed by the writ Court that petitioner be allowed to join training and would be accorded all benefits on parity with other successful candidates who were selected and appointed pursuant to advertisement dated 28.03.2015, according to seniority of the petitioner. Aggrieved therefrom this appeal has been filed.

6. Learned counsel for appellant vehemently argued that in terms of Clause 2(d) of guidelines dated 20.05.2015, relaxation has been provided only in respect to Body Mass Index i.e. BMI and there is no relaxation in respect to height of candidate. Therefore, this appeal should be allowed, impugned decision dated 12.07.2019 should be set aside and writ petition dismissed.

7. We have heard learned counsel for the parties and find this argument absolutely opposed to the applicable provision itself.

8. Clause 2(d) which has been reproduced in impugned order dated 12.07.2019 itself reads as under:-

“2. GENERAL INSTRUCTIONS FOR RECRUITMENT BOARD

(a) to (c) XXXX

(d) Measurement of physical standards viz, Height, weight and chest is the responsibility of the Physical Standard Test Board (PST Board) for all categories of candidates i.e. Gos, Sos and Ors. Medical officers will not be part of PST board both for Male and Female candidates. Since presence of a female is required at the time of recording of physical standard (PST), a female non medical staff may be associated with PST board. Recruiting medical officer need not record to physical measurements. Recruiting medical officer will mention physical

*standard in the medical examination form as recorded by the PST board. In borderline cases of overweight. BMI should also be considered to arrive at conclusion and variation of 5Kg +/- from the minimum/ maximum limit may be accepted. **Similarly while measuring height fraction of cm less than 0.5 will be ignored and 0.5 cm and more will be rounded off to the next higher cm standard height-weight charge is attached at Annexure-1.*** (emphasis added)

9. In view of the above, the ground for challenge as above is clearly misconceived and opposed to the applicable guidelines. Learned counsel for the appellant is unable to point out any illegality, infirmity, irregularity or perversity in the impugned order dated 12.07.2019 which is accordingly upheld.

10. Keeping in view the facts and circumstances as above, this appeal is dismissed, with no order as to costs.

(LISA GILL)
JUDGE

(SUKHVINDER KAUR)
JUDGE

24.07.2024.
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Whether speaking/ reasoned	:	Yes/ No
Whether Reportable	:	Yes/ No