



2024:DHC:8620-DB



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

Date of decision: 07.11.2024

+ W.P.(C) 15223/2024

RAM SINGH SAINI AND ORS

.....Petitioners

Through: Mr. Ajay Garg, Mr. Uday Garg,
Ms. Tripti Gola, Ms. Surbhi
Soni & Mr. Arvind Sardana,
Advs.

versus

STAFF SELECTION COMMISSION AND ORS

.....Respondents

Through: Mr. Anil Kumar Saxena, SPC
with Mr. Rajendra Rawat (GP).

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE SHALINDER KAUR

NAVIN CHAWLA, J. (ORAL)

CM APPL.63978/2024

1. Allowed, subject to all just exceptions.

W.P.(C) 15223/2024 & CM APPL.63979/2024

2. This petition has been filed by the petitioners challenging the Rejection Slips dated 16.10.2024, 15.10.2024 and 18.10.2024 pertaining to the petitioner no.1, the petitioner no.2, and the petitioner no.3, respectively, declaring them unfit for appointment to the post of Constable (GD) in the Central Armed Police Forces (CAPFs), SSF



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and Rifleman (GD) in the Assam Rifles-2024 as advertised by the respondents.

3. The petitioner no.1 has been disqualified on account of him not meeting the Physical Standard Test (PST) (Chest) standards, while the petitioner nos.2 and 3 have been disqualified on account of them not meeting the PST (Height) standards.

4. As far as the petitioner no.1 is concerned, the learned counsel for the petitioners places reliance on the qualifying slip for Recruitment for the Post of Constable (Technical/Tradesmen, Pioneer & Ministerial)-2023, wherein the petitioner no.1 was declared as qualified in the PST and the Physical Efficiency Test (PET), however, could not qualify in the Trade Test and, therefore, his candidature had been rejected. He also places reliance on the PST and PET for Constable (GD) in CAPFs for the year-2022 dated 04.05.2023, wherein he again qualified the standard of chest measurement. He also places reliance on the Certificate dated 21.10.2024 issued by the Rajkiya Upjila Chikitssalay, Khandela, Sikar, Rajasthan stating that the chest of the petitioner no.1 measures 80-85 cm, that is, meeting the required standards. The learned counsel submits that, therefore, the petitioner no.1 had met the qualifying standards for the test in question and has been wrongly declared as unsuccessful in meeting the PST (Chest) standard.

5. As far as the petitioner nos.2 and 3 are concerned, the learned counsel for the petitioners again places reliance on the certificates issued by the Government Hospitals and submits that the petitioner nos.2 and 3 meet the height standards as prescribed by the



advertisement in question and have been wrongly declared as unsuccessful.

6. Issue notice.

7. Notice is accepted by Mr. Anil Kumar Saxena, learned counsel for the respondents, who appears on advance notice.

8. He submits that the petitioners have not availed their remedy of filing an appeal against the rejection slips. He further submits that as far as the petitioner no.1 is concerned, merely because he had been declared successful in the earlier recruitment process as far as the PST standards are concerned, the same would not mean that his failure in the present selection process is not sustainable. He further submits that chest measurement may vary with the passage of time.

9. In rejoinder, the learned counsel for the petitioners submits that as far as the non-filing of the appeal is concerned, the petitioners have explained the reason for the same in the petition itself. He further submits that the petitioners had also made representations immediately thereafter and, therefore, it cannot be said that the grievances of the petitioners have come as an afterthought.

10. We have considered the submissions made by the learned counsels for the parties.

11. Keeping in view the peculiar facts of the present case and clarifying that this judgment shall not be treated as a precedent, we are of the opinion that the petitioners shall be made to undergo another medical examination for taking the chest measurement (for the petitioner no.1) and height measurement (for the petitioner nos.2 and 3) by the Appellate Authority of the respondent no.1, which we have



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been informed is still in session, at the relevant Appeal Medical Boards, situated at Jodhpur for the petitioner no.1 and at Ajmer for the petitioner nos.2 and 3.

12. For the said purpose, the petitioners shall make themselves available for the taking of their respective measurements before the relevant Appeal Medical Board on 09th November, 2024 at 11 AM.

13. In case the petitioners are found to be fit and meet the PST standards, they shall be allowed to participate in the further selection process in terms of the advertisement in question.

14. With the above directions, the petition along with the pending application is disposed of.

15. Order *dasti* under the signatures of the Court Master.

NAVIN CHAWLA, J

SHALINDER KAUR, J

NOVEMBER 07, 2024/ab/sk/SJ