



2024:DHC:9158-DB



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

Date of decision: 26.11.2024

+ W.P.(C) 16154/2024

ASHISH KUMAR

.....Petitioner

Through: Mr. Randhir Singh Kalkal &
Mr. Nilesh Kumar Sah, Advs.

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Mr. Manish Kumar, SPC with
Mr. Gokul Sharma, Adv.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE SHALINDER KAUR

NAVIN CHAWLA, J. (ORAL)

CM APPL.67884/2024

1. Allowed, subject to all just exceptions.

W.P.(C) 16154/2024 & CM APPL.67885/2024

2. This petition has been filed challenging the rejection letter dated 30.10.2024, whereby the petitioner's candidature for the post of Constable (GD) through common recruitment process of the Central Armed Police Forces (in short, 'CAPFs') for the year 2024 has been rejected by the respondents on the ground that he failed to qualify the parameters of height mentioned in the advertisement and the Guidelines for Recruitment Medical Examination in CAPFs and



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Assam Rifles revised as on May, 2015 (in short, 'the guidelines'). The height of the petitioner was measured as 169.5 cm.

3. The learned counsel for the petitioner submits that the petitioner not only qualified the height standards in the recruitment process for the post of Constable/ Tradesman/Safai Karamchari-2022 in the Indo-Tibetan Border Police on the same standard, but also, in terms of clause 2(d) of the Guidelines, while measuring height, fraction of 0.5 cm and more has to be rounded off to the next higher cm., therefore, in the present case if this rule is applied, the petitioner would meet the height standard as prescribed in the advertisement in question.

4. Issue notice.

5. Notice is accepted by Mr. Manish Kumar, the learned counsel for the respondents.

6. He submits that in terms of the advertisement in question, this Court lacks territorial jurisdiction to entertain the present petition.

7. Having considered the submissions made, and without expressing any opinion on the challenge to the territorial jurisdiction of this Court raised by the respondents, we are of the opinion that as the petitioner had qualified in the height standards in the recruitment process of Constable/ Tradesman/Safai Karamchari-2022, and as the Guidelines itself provides for the rounding up, the height of the petitioner should be re-measured at the Referral Hospital of CAPF in Noida on 05.12.2024 at 11:00 A.M. The petitioner shall make himself available for the said purpose. Upon re-measurement of the height of the petitioner, the respondents shall consider the case of the petitioner in accordance with the advertisement and the Guidelines referred to



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hereinabove. In case the petitioner is found fit, he shall be allowed to participate in further process of recruitment in accordance with the advertisement and his merit. In case the petitioner is found unfit for appointment, it shall be open to the petitioner to avail all his legal remedies.

8. The petition and the pending application, if any, stand disposed of in the above terms.

9. Order *dasti*.

NAVIN CHAWLA, J

SHALINDER KAUR, J

NOVEMBER 26, 2024

ab/sk/DG

Click here to check corrigendum, if any