



CWP-6819-2019

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

204

CWP-6819-2019

Date of Decision: 28.11.2025

Lalita

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: - Mr. Manoj Tanwar, Advocate and
Mr. Sanawar Ali, Advocate for the petitioner
Mr. Ravi Partap Singh, Deputy Advocate General, Haryana

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Article 226 of the Constitution of India is seeking setting aside of order dated 20.02.2019 whereby her candidature for the post of Constable (General Duty) was rejected on the ground of height.

2. The petitioner, pursuant to Advertisement No.3 of 2018 dated 16.04.2018, applied for the post of Constable (Female). She cleared all the stages prescribed for the recruitment. She was called for Physical Measurement Test held on 20.02.2019. Her height was measured as 156.9 cm. The minimum height prescribed for female candidates in the advertisement was 158 cm. The petitioner was of the opinion that her height is more than 158 cm, thus, she preferred instant petition.

3. On 10.05.2019, this Court while issuing notice of motion passed the following order: -

*“Learned counsel submits that the petitioner
participated for the post of Female Constable (General*



Duty) under General category. The grievance of the petitioner before this Court is that she has secured 61.9 marks and the last candidate who has been selected has secured 58 marks. The petitioner has been disqualified on account of her height which has been measured at 156.9 cm.

Learned counsel has referred to report of two hospitals i.e. Annexure P-5 and P-6 whereby her height has been measured at above 158 cm, which is the required height for the post of Female Constable. Notice of motion for 06.09.2019.

On asking of the Court, Ms. Palika Monga, DAG Haryana accepts notice on behalf of the State. Learned counsel for the petitioner shall supply copy of the petition to learned State counsel by today itself.

However, the petitioner will get her height measured from PGIMS, Chandigarh through sensor machine and PGIMS, Chandigarh shall send its report regarding the height of the petitioner before the next date of hearing.”

4. The height of the petitioner was remeasured by P.G.I.M.E.R, Chandigarh on 28.05.2019. It is apt to notice here that P.G.I.M.E.R, Chandigarh constituted a Board of three Doctors which measured height of the petitioner. Board of Doctors found petitioner's height 158.1 cm. The report of medical board is reproduced as below: -

*“Post Graduate Institute of Medical Education
and Research Chandigarh, 2019*

Report of the Medical Board

Reference:- Medical board constituted vide office order no. EV(9)PGI-MS/MA-63/2019 dated 21.05.2019 in pursuance of the orders received from Justice Ritu Bahri, Hon'ble Punjab and Haryana High Court, Chandigarh in CWP No. 6819 of 2019 titled as Lalita Vs. State of Haryana and anr.



The Medical Board comprised of Dr. Senthil Kumar, Asstt. Prof, Deptt. Of Forensic Medicine, PGIMER Chd (Chairperson), Dr. Tulika Gupta, Asstt. Prof, Deptt. Of Anatomy, PGIMER, Chd (Member); Dr. Uttam Saini, Asstt. Prof, Dept Of Orthopedics, PGIMER, Chd, (Member), Dr. Sandeep Singh Flora, S.M.O. Staff Clinic, PGIMER, Chandigarh, (Convener).

Meeting of the Medical Board was held on 28.05.2019 at 3.00 PM in the office of the chairperson.

Ms. Lalita appeared before the board.

After taking consent of the petitioner, her signature, passport size photographs, Left thumb impression and self-attested copy of photo identity cum residence proof, her height was measured by Stadiometer (with following specifications: Precision +/- 1mm, Make: Holtain Limited, Crymych, Dyfed, U.K.) located in the Growth Lab, Advanced Paediatric Centre, PGIMER in the presence of In-charge Growth lab Dr. A.K. Bhalla, Dept. of Paediatrics, PGIMER.

Two photographs of the petitioner Ms. Lalita taken during the process are enclosed along with signatures of the board members.

Report of the height measurement

<u>Name</u>	<u>Measurement of the Height</u>
1. Lalita	158.1 cm (one hundred fifty eight cm and one mm.)

*Sd/-
Dr. Tulika Gupta
Assistant Professor
Deptt. of Anatomy
PGIMER,
Chandigarh
(Member)*

*Sd/-
Dr. Uttam Saini
Assistant Professor
Deptt. of Orthopaedics
PGIMER, Chandigarh
(Member)*

*Sd/-
Dr. Sandeep
Singh Flora
SMO, Staff
Clinic,
PGIMER,
Chandigarh
(Member)*

*Sd/-
Dr. Senthil Kumar
Assistant Professor
Deptt. of Forensic Medicine
PGIMER, Chandigarh (Chair-person)''*



5. Learned State counsel was confronted with aforesaid report and was supplied a copy thereof. He sought time on multiple occasions to clarify stand of the respondent-State.

The respondent has filed affidavit dated 10.11.2023 deposing that petitioner at this stage cannot be considered. The recruitment process has already completed and even recruitment process initiated by Advertisement No.4/2020 stands completed. The petitioner did not raise objection at the time of measurement of her height rather filed undertaking accepting the measurement process. She took somersault and approached this Court. The Recruitment Board cannot rely upon report of P.G.I.M.E.R., Chandigarh because it would open pandora's box.

6. The height of the petitioner was remeasured by PGIMER, Chandigarh on 28.05.2019. This Court on 06.08.2022 directed the respondents to consider petitioner's case in terms of height measured by PGIMER, Chandigarh. The height of the petitioner is above the threshold for the post of Constable (Female). Report of P.G.I.M.E.R, Chandigarh, a premier medical college, cannot be ignored. Court is bound to accept the same. As per said report, height of the petitioner is 158.1 cm and requisite height is 158 cm.

7. In the wake of above discussion and findings, this Court is of the considered opinion that present petition deserves to be allowed and accordingly allowed. Order dated 20.02.2019 is hereby set aside. The respondent is directed to issue appointment letter to the petitioner within four weeks from today subject to medical examination. As conceded by the petitioner, her date of joining would be her date of appointment for all

Intents and purposes (service benefits).

8. The respondent is at liberty to ensure that petitioner had secured marks more than cut-off.

(JAGMOHAN BANSAL)
JUDGE

28.11.2025
Mohit Kumar

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