



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

207

CWP-10601-2020 (O&M)

Date of Decision: 12.09.2025

ADITYA KAUSHIK

...Petitioner

Vs.

STATE OF HARYANA AND OTHERS

...Respondents

CORAM:- HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. R.K. Malik, Sr. Advocate with
Mr. Kartikey Chaudhary, Advocate for the petitioner

Mr. Suneel Ranga, DAG Haryana

Mr. Kanwal Goyal, Advocate with
Ms. Sheena Dahiya and
Ms. Komal Klana, Advocate for respondent No.3

Mr. G.P.S. Bal, Advocate with
Mr. Sandeep Singh Sangwan, Advocate
for respondent No.4

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner through instant petition under Article 226/227 of the Constitution of India is seeking setting aside of selection process for the post of Deputy Superintendent of Police (in short 'DSP') to the extent he has not been selected. He is further seeking direction to respondent to issue him appointment letter for the aforesaid post.

2. The petitioner pursuant to advertisement No.3/2018-19 dated 02.08.2018 applied for the post of DSP. He participated in the written examination held in August' 2019. He was subjected to physical

measurement test held on 06.11.2019. His height and chest with and without expansion were measured. He appeared for *viva voce* and interview held on 11.11.2019. The respondent declared final result on 19.12.2019, however, his name did not figure in the select list. The Haryana Public Service Commission (in short 'HPSC') displayed marks of selected candidates on its website on 21.04.2020. The petitioner in the interregnum came to be selected as District Food and Supply Officer. He was subjected to medical examination on 07.01.2020. In the said examination, chest with expansion was noticed 99 cm whereas respondent had measured his chest without expansion 85 cm and with expansion 88 cm. There was variation of 11 cm. This Court directed Director General, Health Services, Haryana to constitute a Board to find out possibility of aforesaid difference. Director General, Health Services, Haryana in her affidavit dated 08.09.2022 has clarified that difference of 11 cm in chest circumference within 62 days is unlikely in normal circumstances.

3. Learned Senior Counsel for the petitioner submits that respondent wrongly measured chest of the petitioner. It is impossible that within two months chest of a candidate would expand by 11 cm. The report of medical board confirms that it is highly improbable that chest of a candidate within 62 days would increase by 11 cm. The petitioner sought report from other hospitals. Reports of other hospitals also confirm that chest of petitioner was 99 cm after expansion.

In support of his contentions, learned Senior Counsel relies upon judgments passed in '*Sonu Singh Vs. State of Haryana and Ors.*'

CWP-23875-2016 dated 21.11.2016, '*Satyender Kumar and Ors. Vs. Haryana Staff Selection Commission*' CWP-12554 of 2017 (O&M) dated 06.02.2019, '*Haryana Staff Selection Commission Vs. Satyender Kumar and Ors.*', LPA-530-2019 (O&M) dated 11.03.2019 and '*Jagat Pal Vs. Haryana Staff Selection Commission and Anr.*' CWP-6748-2021 dated 21.04.2025.

4. *Per contra*, learned counsel for the respondent-HPSC submits that chest of the petitioner was measured to his satisfaction. A report was prepared which was duly signed by him. He was offered opportunity to seek re-examination. Many candidates opted for re-examination, however, petitioner did not opt for re-examination. The parameters of physical examination by Armed Forces and other authorities for civilian posts are always different. The petitioner was subjected to medical examination by Food and Civil Supply Department after his selection. The intent of medical examination was not to determine exact chest of the petitioner. In the replication, the petitioner pleaded that HPSC has manipulated measurement figures. His chest with expansion was 90 cm whereas it was manipulated to 88 cm. There was fudging of record. The figures were manipulated. On the direction of this Court, original record was produced which is again produced today during the course of hearing. From the original record, anyone can easily say that there is no cutting/fudging/scratching/manipulation of figures.

5. The petitioner filed replication dated 25.10.2020 wherein averred that he did not raise objection at the time of measurement because his chest after expansion was found 90 cm. The respondent has

manipulated figures. Relevant extracts of replication read as:-

“THAT WHEN THE PETITIONER WAS PHYSICALLY MEASURED ON 6.11.2019 THE NORMAL CHEST OF THE PETITIONER WAS SHOWN AS 85 CM. AND AFTER EXPANSION WAS 90 CM. SO IN THESE CIRCUMSTANCES THE PETITIONER HAS NOT RAISED ANY OBJECTION BECAUSE HE WAS DULY ELIGIBLE FOR THE POST OF DEPUTY SUPERINTENDENT OF POLICE. BUT LATERON A MANIPULATION HAS BEEN DONE AND 90 CM. WAS CONVERTED INTO 88 CM.

When the petitioner was physically measured on 6.11.2019 the normal chest of the petitioner was shown as 85 cm. and after expansion was 90 cm. So in these circumstances the petitioner has not raised any objection because he was duly eligible for the post of Deputy Superintendent of Police. But later on a manipulation has been done and 90 cm. was converted into 88 cm. By perusing (Annexure R-3/2) minutely it appears that figure 9 was converted to 8 and 0 was converted to 8. Undisputedly the petitioner was medically examined for the post of District Food & Supplies Officer by Medical Board-cum-Civil Surgeon, Gurugram on 7.1.2020 and chest of the petitioner after expansion was shown 99 cm. Nobody can believe that if measurement has been made on 6.11.2019 the maximum chest measurement after expansion was 88 cm. and measurement on 7.1.2020 the measurement of the chest after expansion was 99 cm. So in two months the difference is of 11 cm. So this clearly demonstrates that some manipulation has been done in the measurement of the chest on 6.11.2019.”

6. In view of aforesaid averment of the petitioner, this Court vide order dated 19.05.2023 directed HPSC to produce original record. Today, during the course of hearing, original record was produced which

was returned after perusal. It is evident beyond the iota of doubt that there is no overwriting, cutting or scratching with respect to measurement of petitioner's chest. He has duly signed measurement sheet. He has made a totally false story to get favourable order.

7. Having heard arguments of both sides and scrutinized record, this Court is of the considered opinion that instant petition deserves to be dismissed on following counts:

- i) The petitioner in his replication admitted that he was aware of outcome of measurement of his chest. He made a categorical averment that respondent has interpolated figure. The respondent produced original record and perusal thereof revealed that there was no interpolation. Averment of petitioner is totally false and concocted, thus, he is guilty of mis-representation. This Court while exercising discretionary writ jurisdiction cannot vindicate stand of one who intentionally made mis-representation.
- ii) The respondent measured chest of the petitioner because it was mandatory. As per advertisement and applicable rules every candidate to be eligible for the post was bound to possess requisite chest with and without expansion. The measurement took place in the presence of IPS officers. The petitioner is relying upon test which was conducted at the time of issuing appointment letter for the post of District Food and Supplies Officer. Chest measurement was part of

normal medical examination. The doctor was not concentrating on the accuracy of circumference of chest. There were all possibilities of casual measurement because difference in circumference of chest was not going to make difference for the post of Food and Supply Officer. Intent, parameters and attributes in both the examination were different. Thus, report prepared by doctors at the time of medical examination for the post of Food and Supplies Officer cannot be relied upon.

- iii) The petitioner did not request for re-measurement though many candidates requested and were subjected to re-measurement. He even in the instant petition did not pray for re-measurement. Had he prayed, there could be possibility to re-measure at the first available opportunity. At this belated stage, this exercise is not possible. It shows that petitioner is trying to take benefit of reports which cannot be blindly relied upon for the post in question.
- iv) The petitioner was subjected to chest measurement on 06.11.2019. He was aware of the outcome. He remained silent for more than 7 months and thereafter preferred this petition. Specific circumference of chest is mandatory for the post of DSP. Every applicant knows this fact. It is unexpected that a candidate applying for the post is unaware of size of his chest. In case of mis-match, he must have immediately knocked door of this Court.

8. The petitioner has cited few judgments in support his arguments. Said rulings are inapplicable to the instant case because those could be applicable had this Court concluded that there was mistake on the part of respondent in the chest measurement.

9. Dismissed.

10. Pending application(s), if any, stands disposed of.

(JAGMOHAN BANSAL)
JUDGE

12.09.2025
Deepak DPA

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No