

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

206 (3 cases)

CWP-10512-2012
Date of Decision: 09.09.2025

Randhir Singh and others

...Petitioners

Versus

The State of Punjab and others

...Respondents

With

Sr. No.	Case No.	Petitioner(s)	Respondent(s)
2.	CWP-13879-2012	Manjeet Kaur	The State of Punjab and others
3.	CWP-19586-2012	Sunil and others	The State of Punjab and others

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: - Mr. K.G. Chaudhary, Advocate and
Ms. Sakshi Singh, Advocate for the petitioners
Mr. Aman Dhir, Deputy Advocate General, Punjab

JAGMOHAN BANSAL, J. (Oral)

1. As common issues are involved in the captioned petitions, with the consent of both sides, the same are hereby disposed of by this common order. For the sake of brevity and convenience, facts are borrowed from *CWP-10512-2012*.
2. The petitioners through instant petition under Articles 226/227 of the Constitution of India are seeking setting aside of orders (Annexure P-8 to P-27) passed by respondents whereby they have been discharged from service.
3. The petitioners, pursuant to Advertisement dated 29.07.2007, applied for the post of Constable (Sports) in Punjab Armed Police. They



were subjected to multiple tests including Physical Measurement Test. In the Physical Measurement Test, the respondent found that height of few petitioners was less than prescribed under Rule 15.17 of Punjab Police Rules, 1934 (for short 'PPR'). The matter came up for consideration before Director General of Police ('DGP'), Punjab who vide order dated 20.03.2008 granted relaxation to the petitioners in height or age. There were few persons who were granted relaxation in educational qualifications also. Two unsuccessful candidates preferred ***CWP No.2564 of 2008, Gurveer Singh and another v. State of Punjab and others*** before this Court assailing appointment of two candidates on the ground that they have been wrongly granted relaxation. The matter came up for consideration before the Coordinate Bench of this Court which vide order dated 02.02.2010 allowed the petition and directed the official respondents to consider case of all selected candidates. The Court formed an opinion that relaxation in height could not be granted without recording reasons. The relaxation was in special circumstances and respondent was bound to record reasons for invoking power under Rule 12.15 of PPR while granting relaxation.

4. The respondent in compliance of aforesaid order withdrew exemption granted to the petitioners and thereafter, issued show cause notice calling upon them to show cause as to why they should not be discharged from service. They filed reply to show cause notice, however, the competent authority by impugned orders discharged them from service.

5. Learned counsel for the petitioners submits that petitioners are sportspersons and the posts were specifically advertised for sportspersons. They completed all parameters and had brought glory to the nation through their achievements, thus, they were granted slight relaxation in height. A candidate may not be granted relaxation in educational qualifications,



however, relaxation in height and age could be granted. The petitioners form a special class i.e. sportspersons and they could be granted relaxation by general order or special order. In case of general sanction, there is no requirement to record reasons, however, in case of special sanction, the reasons are required to be recorded. The DGP granted sanction and it was withdrawn after passing order dated 02.02.2010 by this Court. They were not granted opportunity of hearing before passing said order. Hearing was only granted for the name's sake and that too after withdrawing the relaxation. Once relaxation was withdrawn, the show cause notice and consequent order was a mere formality.

6. *Per contra*, learned State counsel submits that petitioners have been discharged pursuant to order dated 02.02.2010 passed by this Court in ***Gurveer Singh (Supra)***. The petitioners were granted relaxation by special order. There was no general sanction, thus, reasons were required to be recorded and DGP did not record reasons while granting relaxation.

7. I have heard the arguments of learned counsel for both sides and perused the record with their able assistance.

8. From the perusal of record, it is evident that a Coordinate Bench of this Court vide order dated 02.02.2010 has settled the issue. The Court has categorically held that in the absence of recording of reasons, relaxation cannot be granted. In the said case, relaxation granted to two respondents was set aside. Relaxation was granted in the standard of height and chest. The relevant extracts of order dated 02.02.2010 read as: -

“The aforesaid rule prescribes the age limit, the physical standards i.e. height and chest measurements. The advertisement issued by the respondents contained the same age limit, physical standards as prescribed under the above rule. The aforesaid rule further prohibits relaxation of



physical standards without the general or special sanction of the DIG. Such relaxation is permissible in case of special class or classes which provides desirable recruits. The power is also conferred upon the Inspector General to relax the upper age limit and the physical standards in case of recruits under special circumstances to be recorded in writing. The official respondents in their reply have also relied upon this very rule (12.15) to claim a relaxation in case of respondents no.4 and 5. It is pertinent to note that rule does not provide for relaxation in qualification and minimum age.

With a view to find out the reasons for relaxation the record was summoned.

Respondents have produced the record. It appears that while making recommendations to the competent authority merit lists of selected candidates on sports basis were prepared separately for each discipline of sports. In so far the discipline of Boxing is concerned, Kulwinder Singh, respondent no.4 was found deficient in height by 1.75 inches and in chest by 1x1 inch, whereas Parminder Singh, respondent no.5 was found deficient in educational qualification. In the column of remarks no remarks are given. The communication dated 17.1.2008 from the Chairman of the Central Recruitment Board (sports persons), Inspector General of Police, PAP, Jalandhar to the Director General of Police, Punjab, Chandigarh reveals that some candidates were less educationally qualified, over age, under age, less in measurements of height and chest and some having not passed Punjabi were recommended for relaxation/exemption and the list enclosed along with such communication only specified the deficiencies but no reasons are recorded seeking relaxation. The respondents have also placed on record copy of the final order passed on behalf of the Director General of Police, Punjab granting relaxation as Annexure R-3.

From the perusal of the aforesaid order it appears that the office of Director General of Police has simply granted relaxation and no reasons whatsoever have been recorded. It is also revealed that out of 65 appointees, relaxation has been accorded in as many as 37 cases including respondent no.4



and 5. Rule 12.15 which inter alia lays down the eligibility criterion for selection to the post of constable, though, provides relaxations but in respect to the upper age limit, height and chest only that too by recording circumstances for such relaxation, meaning thereby the reasons to grant relaxation. In the present case, from the scanning of the entire record it appears that no reason much less a valid reason has been recorded. It is only in reply filed by respondents that some reasons are sought to be introduced. As noticed above the relaxation has been granted in as many as 37 cases i.e. More than 50% candidates have been selected by granting relaxation, whereas the eligible candidates were available in abundance. From the record it has also been revealed that there were 1950 applications. At the first place how the application forms of the respondent no.5, who was not educationally qualified, has been entertained. Nothing has been mentioned in the reply nor is available in the record. Rule 12.15 only permits relaxation of upper age limit, height and chest that too in specified cases under valid circumstances. This rule does not permit relaxation in the educational qualification. Nothing is revealed how the minimum educational qualification of respondent no.5 has been relaxed. The advertisement clearly prescribes 10+2 as the minimum qualification. Hence, there is no question of grant of any relaxation in minimum prescribed qualification. The selection/appointment of respondent no.5 is totally unjustified and is in contravention of Rule 12.15 and advertisement notice and is violative of Articles 14 and 16 of the Constitution of India.

Even though the relaxation has been granted for height and chest both in case of respondents no.4 but no reasons are recorded in the order of granting relaxation. Grant of relaxation is not at the choice, whims and discretion of the authorities nor the rules permit so.”

9. The Court not only set aside selection of respondents therein but also directed the official respondents to re-consider case of all the selected candidates who were granted relaxation. The directions of the Court, in this



regard, are reproduced as below: -

“Thus, it is settled preposition that the relaxation is permissible but it has to be within the precincts of the law. A specific rule is in existence governing the relaxation. The relaxation has to be in accordance with the mandate of the rule which inter alia provides for recording of reasons. No reasons have been recorded. Recording of reasons is the soul of the validity of action as it tends to demonstrate the necessity of relaxation in particular case or in general, if, so required. Granting relaxation without any valid reason with the sole object of conferring benefit to few at the cost of those who are otherwise eligible is impermissible under law.

From the record it appears that a number of candidates have been granted relaxation dehors the rules but all such beneficiaries are not parties before this Court. While the case of respondents no.4 and 5 will be dealt with in accordance with the directions herein above, all such beneficiaries of relaxation will be also dealt with in the light of the observations made herein this judgement. The competent authority will issue notice to all such candidates, who are beneficiaries of illegal relaxation and after providing them opportunity of being heard, they shall be dealt with in the same manner as respondents no.4 and 5

In view of the above circumstances, the selection of respondents no.4 and 5 is not sustainable in law and is liable to be quashed. I order accordingly. This petition is allowed. The respondents will consider the next meritorious candidate in the order of merit to be appointed against the resultant vacancies on account of quashment of selection of respondents no.4 and 5 and pass the appropriate order within a period of two months.”

10. The State filed Intra-Court Appeal against aforesaid order which came to be dismissed.

11. The respondent has passed impugned orders pursuant to order dated 02.02.2010 passed by this Court. The case of petitioners is squarely

covered by said order. This Court cannot form any opinion contrary to the aforesaid order especially when LPA filed by the State stands dismissed.

12. In the wake of above discussion & findings and order of this Court in *Gurveer Singh (Supra)*, this Court is of the considered opinion that present petitions deserve to be dismissed and accordingly dismissed.

13. Before parting with the judgment, this Court deems it appropriate to observe that prior to recalling its earlier order, the DGP could have adopted the procedure of recording reasons because there may be a particular candidate who was deserving and reasons could be recorded. The respondent has opted to recall its order and the petitioners have not assailed the same.

(JAGMOHAN BANSAL)
JUDGE

09.09.2025
Mohit Kumar

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