

G. Chaya Devi Vs. Regional Manager, A.P.S.R.T.C. and ors.

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Court : Andhra Pradesh

Decided On : Apr-03-1997

Reported in : 1997(2)ALT736

Judge : B.S.A. Swamy, J.

Acts : Service Law; Code of Civil Procedure (CPC) - Sections 151

Appeal No. : W.P.M.P. No. 8168 of 1997 in W.P. No. 6822 of 1997

Appellant : G. Chaya Devi

Respondent : Regional Manager, A.P.S.R.T.C. and ors.

Advocate for Def. : A.V. Sivaiah, SC

Advocate for Pet/Ap. : B. Sudhakar Reddy, Adv.

Judgement :

ORDER

B.S.A. Swamy, J.

Note: The receipt of this order will be deemed to be the receipt of notice in the case.

1. The grievance of the petitioner in this writ petition is that the respondents are not considering her case for appointment as Lady Conductor on the ground that

she fell short of the required height in spite of the certificate given by the Competent Doctor viz., Civil Assistant Surgeon, Nalgonda Hospital.

2. Heard the learned Standing Counsel for the APSRTC. He submits that the authorities felt that the petitioner is short of the required height and in the light of the certificate given by the Civil Assistant Surgeon she may be referred to the R.T.C. Head Quarters Hospital at Tarnaka for authoritative determination of her height.

3. Accepting the request of the respondent's Counsel, I direct the petitioner to appear before the Medical Superintendent, RTC Head quarters Hospital, Tarnaka who in turn shall certify the height of the petitioner by following the procedure.

4. In the meantime the respondents shall consider the case of the petitioner for appointment on par with others in accordance with the Rules and if the Headquarters Hospital gives certificate that the petitioner is having the required height and if she comes up for selection as per the procedure that is being followed by the Corporation she may be given appointment. Otherwise, the entire record may be produced before this Court for passing further orders on the writ petition.

5. At this stage, the learned Counsel for the petitioner pointed out that the height prescribed for men cannot be applied to the ladies also as their normal height is always between 5 to 5.6' feet. I find sufficient force in the contention of the petitioner's Counsel. Admittedly for the first time the respondent-Corporation has taken a policy decision to appoint ladies as Conductors and if the Corporation prescribes the same height many capable women may lose the appointment as it is now on record as per the Indian Standards the normal height of women ranges from 5 to 5.6' feet whereas the normal height of males in 5.4' feet to above 6 feet. Taking this into consideration, the Managing Director of the Corporation is directed to place the matter before the Board if necessary for taking a decision or in case he himself is competent to take a decision in the matter he may give necessary instructions to all the concerned in the event of the suggestion made by this Court is found palatable to him.

6. Post the writ petition on 15-4-1997.

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