

Santosh Kumar Vs. Uoi and ors.

Santosh Kumar Vs. Uoi and ors.

SooperKanoon Citation : sooperkanoon.com/919660

Court : Delhi

Decided On : Jul-08-2011

Judge : Pradeep Nandrajog; Sunil Gaur, Jj.

Appeal No. : W.P.(C) No.4719/2011

Appellant : Santosh Kumar

Respondent : Uoi and ors.

Advocate for Def. : Mr.Sachin Datta; Mr.Abhimanyu Kumar, Advs.

Advocate for Pet/Ap. : Mr.B.S.Chowdhary; Mr.Anshul Baranwal, Advs.

Judgement :

1. Once again, the perennial problem of the height of a prospective candidate has re-surfaced.

2. Aspiring to join a Central Para Military Force, the petitioner took the competitive examination for employment as a Sub Inspector under a Central Para Military Force in the year 2009 and having qualified at the examination, was denied the benefit of his success inasmuch as the applicable Rules require that the candidate concerned should have a minimum height of 170 cm.

Examined by the Doctors of CISF, the petitioner was detected to be 160 cm tall.

3. Petitioner questions the same by urging that his height is 170 cm.

4. Such matters filed before us were decided by directing the height of the candidate concerned to be measured at the Army (R&R) Hospital, Delhi Cantonment, Delhi. Parties were bound by the opinion of the doctor concerned who measured the height of the candidate.

5. With consent of parties, we disposed of the writ petition directing that the height of the petitioner would be measured by a doctor at Army (R&R) Hospital, Delhi Cantonment, and the height so measured would be binding upon the parties.

6. Needless to state, if the height of the petitioner measured is 170 cm or above, respondents would proceed ahead to complete the selection process by treating the petitioner as not disqualified on account of height. If employment is given, petitioner will be entitled to all consequential benefits with reference to his merit position in the select panel save and except would not be paid wages for the period he has not worked. If petitioner's height is measured less than 170 cm that would be the end of the matter.

7. Director General CISF, would nominate an Officer to coordinate with the Commandant of the Army (R&R) Hospital, Delhi Cantonment so that a date could be notified to the petitioner to present himself at the Army Hospital.

8. A communication would be sent to the petitioner at the address notified in the memo of parties and would be by means of Regd. AD post; and sent well in time.

9. The respondents would ensure compliance of the directions issued within a period of 6 weeks from today.

10. No costs.

11. Dasti.

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com