

(2023) 06 DEL CK 0005

In the Delhi High Court

Case No : Civil Writ Petition No. 8238 Of 2023

Chandra Shekhar Upadhyay

APPELLANT

Vs

Union Of India & Ors.

RESPONDENT

Date of Decision : 02-06-2023

Acts Referred:

Citation : (2023) 06 DEL CK 0005

Hon'ble Judges : Suresh Kumar Kait, J; Neena Bansal Krishna, J

Bench : Division Bench

Advocate : Rakesh Kumar Yadav, Hemant Kumar Yadav

Final Decision : Disposed Of

Judgement

CM APPL.31604/2023 (for exemption)

1. Allowed, subject to all just exceptions.

2. Application stands disposed of.

3. Vide this petition, petitioner seeks following relief(s):

“(i) to issue a writ of Certiorari and set aside the impugned Rejection Slip dated 04.05.2023 issued by the respondents.

(ii) To direct the respondents to allow the respondents to conduct re-medical exam to determine the height of the petitioner and if he found qualified consider him in the further ongoing enrolment process for the post of Constable/GD (Male) through Common Recruitment of CAPFs for the year 2022, in Central Armed Police Forces (CAPFs) SSF, Rifleman (GD) in Assam Rifles and Sepoy in Narcotics Control Bureau, as per the order of this Hon'ble Court in the matter of ANKIT KUMAR Vs UNION OF INDIA AND ORS W.P.(C) 1868/2023 dated 14 Feb 2023.

(iii) To direct the respondent for appointment of the petitioner on the basis of the Health/Medical Certificate issued by the Govt. Hospital

4. Case of petitioner is that petitioner earlier had applied for the post of Constable (GD) in Central Armed Police Forces (CAPFs), SSF, Rifleman (GD) in Assam Rifles and Sepoy in Narcotics Control Bureau through Common Recruitment of CAPFs, Examination 2021 by Staff Selection Commission and underwent PST/PET examination. On 23.05.2022, petitioner qualified the same as his height was measured as 170.2 cms and the eligible height for the said post was 170 cms. However, petitioner could not qualify in the final merit list. Subsequently, petitioner again applied for the post of Constable (GD) in Central Armed Police Forces (CAPFs), SSF, Rifleman (GD) in Assam Rifles and Sepoy in Narcotics Control Bureau through Common Recruitment of CAPFs, Examination 2022 by Staff Selection Commission and underwent CBT examination followed by his PST/PET examination which was conducted on 04.05.2023 however, he was disqualified due to his height which was measured as 169.5 cms.

5. We have perused annexure P-3, i.e. PST/PET for Constable (GD) in CAPFs for the year 2021 and it is found that the height of petitioner is 170.2 cms and the eligible height for the said post in CAPFs is 170 cms which establishes that the petitioner is qualified with regard to his height.

6. Accordingly, respondents are directed to allow the petitioner to join further selection process if he is otherwise eligible.

7. With the aforesaid directions, present petition stands disposed of.