

(2025) 07 DEL CK 1018

In the Delhi High Court

Case No : Writ Petition (C) No. 11024 Of 2025, Civil Miscellaneous Application
No. 45393, 45394 Of 2025

Inspector Shangkahao

APPELLANT

Vs

Union Of India And Ors

RESPONDENT

Date of Decision : 29-07-2025

Acts Referred:

Citation : (2025) 07 DEL CK 1018

Hon'ble Judges : C. Hari Shankar, J;Om Prakash Shukla, J

Bench : Division Bench

Advocate : M.D. Jangra, Siddharth Khatana, Vedansh, Vinod Sawant, Ajaypal

Final Decision : Allowed

Judgement

C. Hari Shankar, J.

1. The petitioners in these writ petitions are aspirants for the post of Assistant Commandant (GD) in the Central Armed Police Forces "CAPF". They underwent the selection process but were disqualified at the stage of physical examination on the ground of insufficiency in height. The petitioners are members of the Scheduled Tribes, from states in the North East.

2. With consent of learned Counsel, as the issue is covered, the petition is taken up finally.

3. The grievance of the petitioners are that they were assessed on the basis of a height requirement of 165 cm, which stands relaxed in the case of the ST candidates from the North East to 162.5 cm. This, he submits, stands affirmed by a judgment dated 13 August 2024 of a Division Bench of this Court in Inspector TD Cyril Mimin Zou v UOI Judgment dated 13 August 2024 in WP (C) 11133. The said decision followed an earlier judgment of the Division Bench of this Court in Tholu Rocky v Director General CISF 2012 SCC OnLine Del 3828 .

4. For ready reference, we may reproduced paras 15 to 21 of the decision in Cyril

Mimin Zou, thus:

"15. In the present case, the petitioner is an aspirant belonging to the ST category hailing from the State of Manipur. The Ministry of Home Affairs vide its notification dated 01.12.2021 provided relaxation to the ST candidates with the minimum height requirement being 162.5 cms to the post of Assistant Commandant in Central Industrial Security Force (CISF) i.e. one of the sister Forces of the CAPF. The relevant portion from the notifications reads as under:

PHYSICAL AND MEDICAL STANDARDS FOR THE CANDIDATE FOR THE POST OF ASSISTANT COMMANDANTS IN THE CISF SELECTED THROUGH LIMITED DEPARTMENTAL COMPETITIVE EXAMINATION-2022

(1) Physical Standards: The Minimum requirements for the candidate (for all categories) are as follows:

Men

Women

Height

165 cm (Gen & SC)

157 cms (Gen & SC)

162. cms (ST)

154 cms (ST)

Chest (unexpanded)

81 cms (with 5 cm minimum expansion)

Not applicable

Weight

Corresponding to height

Corresponding to height

Medical

SHAPE-I

SHAPE-I

(Emphasis supplied)

16. In these circumstances, we find no reason as to why the said benefit regarding the relaxation, pertaining to which has been made applicable to the aspirants seeking to join CAPF, cannot be extended to the petitioner who is similarly placed in the ST category in the ITBP. Hence, there is no justification for not providing the relaxation in height, absence of which only becomes an

impediment in the petitioner's aspiration to move up the ladder in his service career.

17. Even otherwise, viewed from this angle as well, the aspect as noted hereinabove is squarely covered by the decision of this Court in Tholu Rocky (supra) which has attained finality. The petitioner, if not granted the relaxation, will suffer stagnation without an opportunity to seek promotion to ascend in the hierarchy.

18. We also find that the petitioner had earlier filed a similar petition being W.P. (C) 2032/2023 wherein a Coordinate Bench of this Court vide its order dated 17.02.2023 had made the following observations:

"7. The respondents are directed to allow the petitioner to proceed in the selection process, however, the result shall be kept in a sealed cover and that will be subject to the outcome of the present petition.

8. It is made clear that his height in question shall not be taken into consideration while allowing the petitioner to participate in the selection process"

19. However, since the petitioner could not qualify the selection process on merits, the said writ petition was disposed of on 16.11.2023 without rendering any finding qua the petitioner's claims.

20. Accordingly, we direct that the respondents, subject to the petitioner qualifying the other parameters of the selection process and verification by the respondents of the petitioner's claim that he was granted relaxation in height at the time of his induction in the ITBP as a Sub-Inspector (GD), will permit him to take part in the ongoing selection process after granting him the necessary relaxation for considering his case for the post of Assistant Commandant (GD) through LDCE.

21. The writ petition stands allowed in the aforesaid terms. Pending application also stands disposed of."

5. The decision of the Division Bench in Cyril Mimin Zou was taken to the Supreme Court by the Union of India by way of SLP (C) Diary No. 53424/2024 UOI v TD Cyril Mimin Zou. The Supreme Court, by order dated 13 December 2024, declined to interfere with the judgment of the High Court and dismissed the Special Leave Petition.

6. Mr. Kumar frankly acknowledges that he is not in a position to distinguish the facts of the present case from the decision in Cyril Mimin Zou.

7. In that view of the matter, following the judgment of the Division Bench of this Court in Cyril Mimin Zou, these writ petitions are allowed. The respondents are directed to assess the petitioners' height on the basis of a requirement of 162.5 cms instead of 165 cms.

8. In case the petitioners qualify on that basis, they shall be permitted to

participate in further rounds of selection.

9. The writ petitions stand allowed in the aforesaid terms.