
(2007) 11 KL CK 0020
In the High Court Of Kerala
Case No : Writ Petition (C) No. 30784 of 2007

Kittumani

APPELLANT

Vs

Public Service Commission and Others

RESPONDENT

Date of Decision : 15-11-2007

Acts Referred:

Citation : (2007) 11 KL CK 0020

Hon'ble Judges : Thottathil B. Radhakrishnan, J

Bench : Single Bench

Advocate : O.D. Sivadas, for the Appellant; Alexander Thomas, SC for PSC, Johnson P. John, SC for KSRTC and Anu Sivaraman, Govt. Pleader, for the Respondent

Judgement

Thottathil B. Radhakrishnan, J.—Petitioner applied in terms of Ext.P-2 notification issued by the Kerala Public Service Commission, for selection of Reserve Drivers in the KSRTC, prescribing, among other things, a mandatory requirement of a minimum height of 158 cms. with no exemption even for the SC/ST candidates.

2. Though the Petitioner succeeded in the written examination, it was found that he had only a height of 156 cms. On a re-measurement based on his appeal, the Petitioner's height was recorded as 157.6 cms.

3. Except the assertion that his actual height is 159 cms. and that the measuring equipments were not appropriate, there is no legal basis to dispute the finding in the re-measurement, that his height is 157.6 cms. This is so, particularly when the re-measurement was following the complaint that the original measurement of 156 cms. recorded earlier was erroneous and on such re-measurement, the Petitioner's height was recorded as only 157.6 cms. There is every reason to assume that the authorities involved in re-measuring the height of the Petitioner on 23-4-2007 would have bestowed great care and added attention in the re-measurement.

4. Having found no reason to disturb the finding that the Petitioner's height is

only 157.6 cms., the next contention to be considered is whether the height of 157.6 cms. is to be rounded off to 158 cms. There by bringing him within the bench mark fixed in the notification. This is clearly impermissible because the prescription as to height, in Ext. P-2, is of a minimum. The height of a person cannot be rounded off, as may be done for certain other purposes, to achieve the prescribed minimum limit .

For the aforesaid reasons, this writ petition fails and is accordingly dismissed. No costs.