
(2026) 02 MP CK 1802

In the Madhya Pradesh High Court, Gwalior Bench

Case No : Writ Petition No. 15760 Of 2019

Narendra Singh Yadav

APPELLANT

Vs

State Of Madhya Pradesh And Others

RESPONDENT

Date of Decision : 17-02-2026

Acts Referred:

Constitution Of India, 1950 — Article 226

Madhya Pradesh Special Armed Forces Rules, 1973 — Rule 2.9(a), 22

Citation : (2026) 02 MP CK 1802

Hon'ble Judges : Anand Singh Bahrawat, J

Bench : Single Bench

Advocate : Prashant Sharma, Upendra Yadav, Prabhat Pateriya, Parmal Singh Mehra

Final Decision : Dismissed

Judgement

Anand Singh Bahrawat, J

1. This petition, under Article 226 of Constitution of India, has been filed seeking the following relief (s):

"i- The order impugned annexure P/1 may kindly be quashed.

Any other relief which this Hon'ble Court deems fit in the facts and circumstances of the case may also kindly be granted."

2. Learned counsel for the petitioner submits that petitioner was recruited on 21.10.2013 to the post of Constable (GD). Petitioner continued to discharge his duties. Thereafter, all of a sudden, the petitioner was directed to appear before the Medical Board again. On 23.11.2017, the Medical Board measured the petitioner's height as 167 cm. Thereafter, respondents passed an order stating that since the height of petitioner was found to be 167 cm by the State Level Medical Board, he was declared unfit. It is further submitted that respondents themselves have mentioned that the Division Level Medical Board found the height of petitioner to be 167.5 cm and the District Medical Board found it to be

168 cm, whereas the GOP prescribes the requisite height as 167.64 cm. It is further submitted that prior to the termination of petitioner's services under Rule 22 of the M.P. Special Armed Forces Rules, 1973, no show-cause notice was issued to petitioner and the impugned order was passed straightaway by the respondents. It is further submitted that in the year 2013, the prescribed procedure was duly followed and petitioner was found fit. In such circumstances, the impugned order dated 23.04.2019 (Annexure P/1) cannot be sustained in the eyes of law. It is further submitted that as per Rule 22 of the SAF Rules, 1973, petitioner satisfied the required qualifications in the year 2013 at the time of his appointment. It is further submitted that in 2013, all qualifications, including the prescribed height, were duly verified and two Medical Boards found the petitioner qualified in terms of height. It is further submitted that petitioner discharged his duties for six years. Without affording any opportunity of hearing, without issuing a show-cause notice, and without following the principles of natural justice, the services of petitioner could not have been terminated by the impugned order dated 23.04.2019 (Annexure P/1).

3. Per contra, learned counsel for the respondent/State submits that as per the statutory provisions, a candidate for the post of Constable must possess the requisite height of 5'6", i.e., 168 centimeters. In the State and Divisional Level Medical Board examinations, the petitioner was found unfit as he did not fulfil the basic physical measurement requirement as prescribed under Rule 22 of the Rules, 1973. It is further submitted that an identical issue has already been considered by the Division Bench of this Court vide order dated 20.03.2019 passed in W.A. No. 1866/2018 (State of Madhya Pradesh and others v. Sanjeev Singh) and as per the said order, petitioner is not entitled to any relief. It is further submitted that at the time of selection, petitioner submitted a certificate issued by the Medical Board, Shivpuri, wherein his height was recorded as 168 cm. Accordingly, the appointment order was issued to petitioner on 21.10.2018 and he joined training. However, upon a complaint, petitioner was re-examined by the Divisional Medical Board, wherein his height was found to be 165.50 cm. Thereafter, on request of petitioner, he was examined by the State Medical Board, which recorded his height as 167 cm. As such, he became disqualified under Rule 22 of the said Rules, 1973, and consequently, his appointment was cancelled vide the impugned order dated 23.04.2019 (Annexure P/1). It is further submitted that since the State Medical Board found the petitioner's height to be 167 cm, he does not possess the basic qualification as required under Rule 22 of the SAF Rules, 1973. Such disqualification cannot be treated as qualification in the extraordinary writ jurisdiction of this Court under Article 226 of the Constitution of India. It is further submitted that an enquiry was initiated and in order to rectify the irregularities, petitioner was directed to undergo medical verification before the Divisional Medical Board. Thereafter, at the petitioner's request, he was medically examined by the State Medical Board. However, in both verification, his height was found to be less than that prescribed under Rule 22 of the said Rules, 1973. It is further submitted that as

per the judgment dated 20.03.2019 passed by the Division Bench of this Court in W.A. No. 1866/2019 (The State of M.P. & Ors. v. Sanjeev Singh), there was no requirement to issue any show-cause notice or initiate departmental proceedings, as at the time of passing the impugned order, petitioner was undergoing training. It is further submitted that as per GOP No. 137/2012 dated 30.07.2012, in case of any discrepancy, the matter must be referred to the State Medical Board. It is further submitted that the State Medical Board re-examined the height of the petitioner on 23.11.2017. The State Medical Board, consisting of five members and one President, who are experts in their respective fields, examined the petitioner and measured his height as 167 cm, which is below the required height of 167.64 cm.

4. Heard learned counsel for parties and perused the record.

5. As per the statutory provisions, a candidate for the post of Constable must possess the requisite height of 5'6" (168 cm) in terms of Rule 22 of the Rules, 1973. During medical re-verification, the petitioner's height was found to be below the prescribed standard. Although at the time of initial selection his height was recorded as 168 cm, upon complaint he was re-examined by the Divisional Medical Board and on request of petitioner, he was examined by the State Medical Board, which recorded his height as 167 cm. Since the State Medical Board found his height to be below the required 167.64 cm, the petitioner did not fulfill the basic eligibility criteria. As per GOP No. 137/2012, in case of discrepancy, the matter is to be referred to the State Medical Board, which was duly done in the present case. Therefore, the petitioner, not possessing the requisite height, is not entitled to any relief in exercise of writ jurisdiction under Article 226 of the Constitution of India. Relevant of GOP No. 137/2012 dated 30.07.2012, is quoted below:

6. The certificate issued by the State Level Medical Board For Physical Measurement consisting of Five Members including Chairman for ready reference and convenience goes as under:-

7. An order has been passed by this Court in W.P.No.12556 of 2024 (Ravindra Singh Tank Vs. The State of Madhya Pradesh and others) on 21.10.2024, in which, the Court relying upon the judgment of Full Bench dealing with the similar issue, has observed as under:-

"5. Counsel for the petitioner has submitted that so far as question Nos.42 to 60 were concerned, they were correctly answered by the petitioner and they were part of 11 questions which were cancelled by the respondent/Board. He has submitted that as per the formula provided in the example of Rule 2.9(a), the respondent/Board awarded 78.65 marks to the petitioner and the said marking was done after cancelling question Nos.42 and 60. As per counsel for the petitioner, question no.42 was cancelled by the Board giving reason that the question formations and options are incorrect and question No.60 was cancelled for the reason that question formation was not clear. It is further submitted by

him that petitioner has claimed that for Question Nos.42 and 60, the Expert Committee has affirmed the answers given by the petitioner and still cancelled the above mentioned two questions. As per the counsel for the petitioner, the other material related to the said questions contained in different books and publication which clearly indicates that question Nos.42 to 60 were correctly answered by the petitioner. He has also placed the said material so as to substantiate that question nos.42 and 60 were wrongly cancelled and, therefore, petitioner is entitled to get marks for those questions because he has rightly answered those questions. According to him, the petitioner has been kept 3rd in the waiting list and if question Nos.42 and 60 are treated to be correct then petitioner will gain two additional marks and will be eligible for appointment and as such, the present petition has been filed asking that petitioner be granted marks for question Nos.42 and 60 which were rightly answered by him. Counsel for the petitioner has placed reliance upon a decision passed by the Co-ordinate Bench of this court in W.P. No.3141/2024 (Anand Yadav Vs. State of Madhya Pradesh and another) and other connected petitions decided vide order dated 16.05.2024 and submitted that the writ Court has allowed the petitions and directed M.P.S.C. to prepare a fresh merit list. He has further placed reliance upon a decision passed by the Co-ordinate Bench of this Court in W.P. No.5866/2022 (Abhijeet Chaudhary and others Vs. M.P. Public Service Commissioner) decided on 21.04.2022.

6. Learned counsel appearing for the respondent No.3 has opposed the submission made by counsel for the petitioner and submitted that the Expert Committee, after considering the objections, took a decision to cancel the said question Nos.42 and 60 and it is not only for the petitioner but the said questions have been cancelled for all the candidates and valuation of marks of those questions were accordingly done and thereafter marks were awarded. It is also the stand of the respondent No.3 in their reply that it is the settled principle of law that the decision taken by the Expert Committee cannot be called in question in a writ petition filed under Article 226 of the Constitution of India. As per the affidavit submitted by the respondent No.3, question Nos.42 and 60 having question i.d. as 2758610 and 27591000 respectively and the Expert Committee has opined that it requires no change in the earlier decision given by them even after considering the material submitted by the petitioner. Thus, according to him, no interference in the said decision is called for and the petition being misconceived, deserves to be dismissed. He has further submitted that against the order passed in W.P. No.3141/2024, a writ appeal has been filed which is pending for consideration. According to Shri Diwaker, the order passed in W.P. No.5866/2022 has also been assailed in writ appeal and that has also been stayed by the Division Bench. He has placed reliance upon a decision of Supreme Court in case of Ran Vijay Singh and another Vs. State of Uttar Pradesh and others reported in (2018) 2 SCC 357 and a Full Bench decision of this Court in case of Nitin Pathak Vs. State of M.P. and others reported in 2017(4) M.P.L.J. 353 wherein it has been held that the power of judicial review is not proper to be

exercised over the decision of the Expert Committee.

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8. Thus, in view of the aforesaid legal position and the view taken by the Full Bench in case of Nitin Pathak (supra), I am of the opinion that it is not a case in which mala fides have been alleged and, therefore, this court is not inclined to interfere in the decision of Expert Committee so as to exercise the power of judicial review. Thus, the petition being sans merit, is hereby dismissed."

8. The Full Bench of this Court in the matter of Nitin Pathak vs. State of M.P. (supra) has held as under:

"31. In view of the discussion above, we hold that in exercise of power of Judicial Review, the Court should not refer the matter to Court appointed expert as the Courts have a very limited role particularly when no mala fides have been alleged against the experts constituted to finalize answer key. It would normally be prudent, wholesome and safe for the Courts to leave the decisions to the academicians and experts.

32. In respect of the second question, this Court does not and should not act as Court of Appeal in the matter of opinion of experts in academic matters as the power of judicial review is concerned, not with the decision, but with the decision-making process. The Court should not under the guise of preventing the abuse of power be itself guilty of usurping power."

9. I am of the opinion that this is not a case in which mala fides have been alleged. Therefore, this Court is not inclined to interfere with the decision of the Expert Committee in exercise of its power of judicial review. The Court should not refer the matter to a Court-appointed expert, as the role of the Court is very limited, particularly when no mala fides have been alleged against the experts constituted to finalize the answer key. It is normally prudent, wholesome, and safe for the Courts to leave such decisions to academicians and subject experts. In matters involving the opinion of experts, the power of judicial review is concerned not with the correctness of the decision itself, but with the decision-making process. The Court should not, under the guise of preventing abuse of power, be guilty of usurping the powers of the authorities concerned. However, the Court must examine whether adequate internal checks and balances have been put in place. It is a well-established principle of law that this Court cannot substitute its own findings for those rendered by an Expert appointed by the respondents, therefore, the petition fails and is accordingly dismissed. No orders as to costs.