
(2016) 11 P&H CK 0101
In the Punjab And Haryana At Chandigarh
Case No : CWP No. 23875 of 2016

Sonu Singh

APPELLANT

Vs

State of Haryana

RESPONDENT

Date of Decision : 21-11-2016

Acts Referred:

Constitution of India, 1950 — Article 16

Citation : (2017) 1 SCT 635

Hon'ble Judges : Rajiv Narain Raina, J.

Bench : Single Bench

Advocate : Aditya Yadav, Advocate, for the Petitioner

Final Decision : Disposed Off

Judgement

Rajiv Narain Raina, J. - Notice of motion.

2. Ms. Shruti Jain Goyal, AAG, Haryana accepts notice on behalf of the respondents and waives service on them.

3. The dispute hinges on the height of the petitioner who is an applicant for the post of Constable in the police department. The petitioner's height has been measured at 171.9 cm which makes him ineligible. The rule prescribes minimum height of 172 cm. The petitioner insists that he is 5'-8" in height and is eligible but his case has not been considered being short of requisite standard. He made a representation to the respondents for remeasuring his height. A man's height is a pure question of fact provided it has been measured scientifically by a stadiometer, which is a piece of medical equipment used for measuring human height with reliable results.

4. If a reliable mechanical or digital stadiometer was not used by the authorities deputed by the Haryana Staff Selection Commission to measure height, then a direction deserves to be issued to the respondents to consider and decide the representation submitted by the petitioner for recording his correct height.

5. In case, recruitments of police constables are conducted without scientific stadiometer as part of medical equipment then directions are issued to the Haryana Staff Selection Commission, Panchkula and to other recruiting agencies of the State where height is part of the eligibility criteria for appointment to public service then they should take steps to equip themselves with both mechanical and digital stadiometers properly calibrated from standard suppliers to measure the correct height of candidates exact to the millimeter so that no such dispute comes to this Court in the future. When height is certified by a stadiometer in the presence of candidate with frozen digital reading the presumption of correctness will be attached to the measurement. Likewise, the Commission should use the Respiratory Movement Measuring Instrument (RMMI) and reliable measuring tape to record chest expansion of the candidates for a doubt free physical check up. These instruments are available in the market and can be hired. More importantly, candidates should be notified in advance on the Commission's website that height and chest will be measured publicly by such scientific instruments and recordings handed over on small slips bearing the stamp of the Commission for the candidates to preserve and track so that they cannot dispute the measurements and no complaint will be entertained thereafter.

6. So far as the petitioner's height is concerned, a direction is issued to the respondents to re-measure it as suggested above within seven days from the date of receipt of the certified copy of this order by calling him on a date, time and venue notified to him and in case, he measures up to the standard height prescribed then his case may be further processed accordingly in the ongoing selection process of direct recruitment of constables in the Haryana Police.

7. With these observations and directions, the petition stands disposed of.

8. A copy of this order be given to Ms. Shruti Jain Goyal to be sent to the Commission for its necessary action.