

(2023) 11 J&K CK 0061

In the Jammu And Kashmir High Court

Case No : Service Writ Petition No. 1707 Of 2011, IA No. 2511 Of 2011, 1 Of 2017

Suresh Kumar

APPELLANT

Vs

Union Of India And Others

RESPONDENT

Date of Decision : 30-11-2023

Acts Referred:

Citation : (2023) 11 J&K CK 0061

Hon'ble Judges : Rajnesh Oswal, J

Bench : Single Bench

Advocate : Surinder Kour, Manpreet Kour, Prem Sadotra

Final Decision : Disposed Of

Judgement

Rajnesh Oswal, J

1. The present petition has been filed by the petitioner for directing the respondents to declare the result of the written examination of the petitioner conducted on 16.04.2011 for the post of Sub-Inspector (GD) and to conduct the medical examination of the petitioner and further for considering the case of the petitioner for selection to the post of Sub-Inspector (GD).

2. The respondents have filed the response stating therein that the result of the petitioner was declared by FHQ Rectt Section and the petitioner was allowed to appear in medical examination scheduled to be held on 25.08.2011 at Composite Hospital, Ftr HQ BSF Jammu. The petitioner appeared in the medical examination but the Medical Board declared him 'unfit' as the petitioner was found to be short by 01 cm. in height. The petitioner thereafter submitted an application to DG BSF for relaxation in height and the same was forwarded to FHQ BSF New Delhi vide communication dated 27.08.2011 for seeking relaxation. The Frontier HQ DG BSF Rectt Section vide its Signal dated 13.09.2011 intimated that the petitioner should appear before the Review Board at FHQ Hospital-I, RK Puram, New Delhi on 19.09.2011 at 09:00 Hrs and the petitioner was duly informed. Even during

his review medical examination carried out on 19.09.2011, he was declared 'unfit' and was found to be short by 0.5 cm. in height.

3. Taking into consideration the overall facts and circumstances of the case, this Court vide order dated 03.10.2023 directed the respondents to constitute a Medical Board for determination of the height of the petitioner. Pursuant to the directions of this Court, the petitioner was examined by the Medical Board comprising of Presiding Officer and two members and the petitioner has been found to be possessing the height of 170 cms.

4. Mr. Prem Sadotra, learned CGSC has submitted the detailed report. The same is taken on record.

5. In view of the fact that the height prescribed by the Notification in respect of the selection for the post of Sub-Inspector (GD) is 170 cms. and as the petitioner has qualified the said criteria fixed for the height, this Court deems it proper to dispose of the present petition by directing the respondents to consider the case of the petitioner for selection and appointment to the post of Sub-Inspector (GD) and in the event, the petitioner is appointed as a Sub-Inspector, he shall be entitled to all the consequential benefits with effect from the date other candidates have been appointed except the monetary benefits.

6. Disposed of.