

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, DELHI.

Regn. No. QA-688/1989.

Shri Mohan Singh V/s. Commissioner of Police.

4.4.1989.

Applicant in person.

The applicant has been working as Assistant Sub Inspector (Steno.) in Delhi Police since 27th June, 1981. He applied for the post of Sub-Inspector (Executive) in Delhi Police. His grievance is that he had qualified in the written test and was called by the Staff Selection Commission to appear in the physical measurement test to be conducted by the respondents in which he was disqualified in the height measurement. The height of the applicant was measured as 168.9 cms. short by 1.1 cm. from the prescribed standard of 170 cms. The applicant made a representation to the Commissioner of Police which was rejected vide Memo dated 16.12.1988 filed as Annexure 'E' to the application.

2. The applicant contends that the height standard should have been relaxed in his case as was done in the case of one Shri Madan Gopal Kalia vide letter dated 16th May, 1985 filed as Annexure 'H' to the application.

3. The applicant has also referred to Rule 30 of the Delhi Police (Appointment and Recruitment) Rules, 1980 which vests the power of relaxation in the Administrator.

4. The power to relax has to be resorted to only in exceptional circumstances when eligible candidates fulfilling the prescribed standards are not available. Merely because the power of

Mohan

relaxation was exercised in the case of one Shri Madan Gopal Kalia in 1985 does not entitle the applicant to claim relaxation as a matter of right. We are not aware under what circumstances the power of relaxation was exercised in the said case. In fact, if relaxations were to be resorted to generally rather than as exceptions only when eligible candidates are not available, this itself will become arbitrary and liable to be struck down.

5. There is no violation of Articles 14 and 16 of the Constitution in the present case. The application is not maintainable and is accordingly rejected at the admission stage.

Seen
(T.S. OBEROI)
Member (J)

K. Kumar
(KAUSHAL KUMAR)
Member (A)

4.4.1989.