



**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

**OA No. 1231/2020
MA No. 844/2021**

This the 27th day of April, 2021

(Through Video Conferencing)

**Hon'ble Justice L. Narasimha Reddy, Chairman
Hon'ble Dr. Nandita Chatterjee, Member (A)**

Dr. Ojing Dameng,
A 11, Aaykar Abasan,
110 Shantipally, E.M. Bypass,
East Kolkata,
West Bengal – 700107.

... Applicant

(By Advocate : Mr. Anand Sanjay)

Versus

1. Union of India,
Through its Secretary,
Department of Personnel & Training,
Ministry of Personnel, Public Grievances and Pension,
North Block, New Delhi – 110001.
2. Union of India,
Ministry of Health and Family Welfare,
Maulana Azad Road, New Delhi,
Delhi – 110011,
Through its Principal Secretary.
3. Guru Tegh Bahadur Hospital,
Tahirpur Rd., GTB Enclave,
Dilshad Garden,
Delhi – 110095,
Through its Director.

... Respondents

(By Advocate : Ms. Anupama Bansal)



O R D E R (ORAL)

Justice L. Narasimha Reddy, Chairman :

The applicant took part in the Civil Services Examination (CSE), 2017 and secured 644th rank. He belongs to the Schedule Tribe community and incidentally he is from the state of Arunachal Pradesh. It is stated that in the provisional list of IPS, the applicant is placed at Sl. No. 2 in the category of Scheduled Tribes. In the course of medical examination, the height of the applicant is found to be 162.5 cms, against the stipulated height of 165 cms. Accordingly, he was not selected for the IPS. On the other hand he was selected for the Indian Revenue Service, and at present he is working in that service.

2. The applicant filed this OA is filed, with a prayer to declare that the report of the Central Medical Standing Board of GTB Hospital, New Delhi, dated 07.04.2018, stating that he is unfit for IPS on account of his height being 2.5 cms less than the height of 165 cms, is illegal and arbitrary. He has also sought direction to the respondents, to select him in the IPS by extending him, the benefit of relaxation as provided in the Regulation 7(c) of the Regulations relating to the Medical



Examinations of the candidates in the Gazette Notification dated 22.02.2017 issued by the Government of India.

3. The applicant contends that though the standard height stipulated for selection in the IPS is 165 cms., the Government issued a notification, providing for relaxation in favour of certain categories of persons. According to him, the relaxation is granted, in favour of candidates belonging to the Scheduled Tribes and from North-Eastern State, upto the height of 160 cms and that his height 162.5 cms, which is more than adequate.

4. The respondents filed a detailed reply. It is stated that the relaxation provided for under the notification is available to candidates who fall in the four categories, namely, (i) Gorakhas (ii) Assamese (iii) Kumaon and (iv) Nagaland and that the applicant does not belong to any of them.

5. We heard Mr. Anand Sanjya, learned counsel for the applicant and Mrs. Anupama Bansal, learned counsel for the respondents.



6. It is a matter of record that the applicant took part in the CSE 2017 and secured 644th rank. It is also not in dispute that he belongs to the Scheduled Tribes and is from the state of Arunachal Pradesh. On the basis of the rank and social status, he was placed at SI. No.2 in the provisional list of IPS under ST category. That it was subject to his being found fit in the medical examination. Though the height of the applicant was found to be 162.5 cms., the requirement for a candidate for IPS is 165 cms.

7. Even while stipulating the medical standards for the candidates for IPS, in its notification dated 22.02.2017 the Government provided the relaxation in favour of certain categories and it reads as under:-

“*The following relaxed minimum height standard in prescribe in the case of candidates belonging to Scheduled Tribes and to the races such as Gorkhas, Garhwalis, Assamese, Kumaonis, Nagaland Tribal etc. whose average height is distinctly lower.

Men - 150 cms.

Women -148 cms.”

8. From perusal of this, it becomes clear that the relaxation upto 15 cms. in the height is provided in favour of the candidates belonging to the Scheduled Tribe and those who belong to the races such as Gorkhas, Garhwalis, Assamese, Kumaonis, Nagaland Tribal etc. It



is argued that it would be sufficient, if a candidate is Schedule Tribe. We however, find it difficult to accept that. The requirement is not only that a candidate must be Scheduled Tribe but he should also belong to any of the categories mentioned above. The applicant does not answer such description. Unless he fulfills the requirement of (a) being Schedule Tribe and (b) belonging to the categories such as Gorkhas, Garhwalis, Assamese, Kumaonis, Nagaland etc. he cannot be extended the benefit of relaxation of height. Further, if he applicant had any qualms about this, he was supposed to challenge the relevant provision before taking part in the examination, and that not having been done, he cannot be extended any benefit at this stage.

9. We do not find any merit in the OA and the same is accordingly, dismissed. Pending MA also stands disposed of. There shall be no order as to costs.

(Nandita Chatterjee)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

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