

Item No.3



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

O.A. No. 1714/2021

M.A. No. 2179/2021

M.A. No. 2180/2021

This the 31st Day of August, 2021

(Through Video Conferencing)

Hon'ble Mr. A.K. Bishnoi, Member (A)

Hon'ble Mr. R.N. Singh, Member (J)

1. Abhishek Kumar
S/o Sh. Rajkumar Singh
Age about 23 years
R/o Village & Post – Banchawali
District – Bulandshahr, Uttar Pradesh – 203 203
2. Deepak Prajapati
S/o Sh. Awadhesh Prajapati
Age about – 23 years
R/o 459, Vishwkarma Nagar, Hosangabad Road,
Near water tank, Bagsewaniya,
Huzur, Bhopal – 462 043, M.P.
3. Deepak Kumar,
S/o Sh. Vijay Kumar
Age about – 23 years
R/o H. No. 379, Nangla Tashi, Meerut, Kanker Khera,
Meerut – 250 001, Uttar Pradesh.
4. Ankush
S/o Sh. Ram Kumar
Age about 22 years
R/o H. No. 286, Village & Post – Naultha,
Near Post Office, Panipat – 132 145, Haryana
5. Anil
S/o Sh. Braham Singh,
Age about 24 years
R/o Ward No. 12, Jatauli, Haily Mandi,
Gurugram – 122 504, Haryana

... Applicants

(By Advocate : Shri Kailesh Prashad Panday)

Item No.3

**Versus**

1. Union of India
Through Secretary,
Ministry of Home Affairs,
North Block, New Delhi
2. Commissioner of Police Delhi
Office of the Commissioner of police: Delhi.
Police headquarters, Jaisingh Road,
New Delhi-110001
3. Staff Selection Commission
Through its Chairman
Block No. – 12, 5th Floor, CGO Complex,
Lodhi Road, New Delhi-110 003

... Respondents

(By Advocate : Shri S.N. Verma for Respondents No. 1 & 3;
Shri H.A. Khan for Respondent No. 2)



O R D E R (ORAL)

Hon'ble Mr. R.N. Singh, Member (J) :

The applicants, 5 in number, approached this Tribunal by way of filing the present OA, filed under Section 19 of the Administrative Tribunals Act, 1985, praying therein for the following reliefs :-

“a) Allow the present Original Application directing the Respondents to conduct re-measurement of height of the Applicants, in the interest of justice.

b) Direct the Respondents that if the height of the Applicants found appropriate in that case the Applicants be given appointment on the post of constable, Delhi Police.

c) Direct the Respondents not to declare result of recruitment of Delhi Police Constable conducted on the basis of advertisement issued by the Respondent No. 3 vide File No.3/2/2020-P&P-1 dated 01/08/2020 published in website of Respondent No. 3 for direct recruitment of as Constable (Executive) Male & Female in Delhi Police Examination, 2020.

d) Cost of litigation may also be awarded in favour of the Applicants and against the Respondents.

e) Any other relief be also awarded against the defendants which the Hon'ble Tribunal may deem fit and proper, in favour of the Applicants.”

2. Learned counsel for the applicants submits that the applicants, who are identically placed, have prayed for similar reliefs and they have filed MA No. 2180/2021, seeking permission from the Tribunal to file their aforesaid OA jointly.

3. Learned counsel for the applicants submits that an advertisement was issued by the Respondent No.3 on

Item No.3



01.08.2020, for direct recruitment of Constable (Executive) Male & Female in Delhi Police. In response to the said notification, the applicants are stated to have participated in the selection process and have qualified the written examination (CBE). Subsequently, in June, 2021, when the applicants participated in the Physical Endurance and Measurement Test (PE & MT), the applicants were disqualified for selection on the ground that their height is less than 170 cm.

4. Learned counsel for the applicants argue that the Applicants No. 1, 3 and 5 have participated in similar selection process, were found to be of the prescribed height, i.e., 170 cm, however, this time they have been illegally and arbitrarily disqualified to be lesser than 170 cm. With regard to the Applicants No. 2 and 4, he submits that their height was not measured in accordance with the provisions as provided in the aforesaid notification, i.e., by way of digital equipment and when they got themselves examined in the manner as prescribed in the notification under reference on their own, they were found to be having the requisite height for the post under reference.

Item No.3



5. In view of the aforesaid facts and circumstances, learned counsel for the applicants submits that the applicants have preferred representations dated 07.07.2021, as annexed in Annexure P-23 (colly), Annexure P-24 (colly) and Annexure P-25 (colly) and the same were still lying pending consideration of the respondents.

6. Issue notice. Shri S.N. Verma, learned counsel, who appears on advance service, accepts notice on behalf of Respondents No. 1 & 3. Shri H.A. Khan, learned counsel, who appears on advance service, accepts notice on behalf of Respondent No. 2.

7. Learned counsel for applicants submits that the applicants shall be satisfied if the present OA is disposed of, at this very stage, with direction to the respondents to consider the applicants' aforesaid pending representations and dispose of the same in a time bound manner. To such request of the learned counsel for applicants, there is no objection from learned counsels appearing for the respondents.

8. In view of the aforesaid facts and circumstances, without going into the merits of the case, the present OA

Item No.3



is disposed of with direction to the respondents to consider the applicants' aforesaid pending representations and to dispose of the same by passing an appropriate reasoned and speaking order, as expeditiously as possible and in any case within 6 weeks of receipt of a copy of this order.

9. The OA is disposed of in the aforesaid terms. In the facts and circumstances, pending MAs also stand disposed of accordingly. No order as to costs.

(R.N. Singh)
Member (J)

(A.K. Bishnoi)
Member (A)

/akshaya/arti/