

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

OA No.1584/2016

This the 22nd day of July, 2016

Hon'ble Shri Shekhar Agarwal, Member (A)
Hon'ble Shri Raj Vir Sharma, Member(J)

Shri Akash Yadav
Recruit Warden under GNCTD
Roll No.3713046877
Aged about 22 years
S/o Shri Jai Prakash
R/o VPO: Khera Dabar
South – West Distt.
New Delhi-73.

....Applicant

(Through Advocate: Shri Anil Singal)

Versus

1. GNCTD of Delhi
Through its Chief Secretary
Delhi Secretariat
IP Estate, New Delhi.
2. Delhi Subordinate Service Selection Board
Through its Chairman
FC-18, Institutional Area
Karkardooma, Delhi-110092.Respondents

(Through Advocate: Mrs. Sumedha Sharma)

Order (oral)

Shri Shekhar Agarwal, Member (A)

Heard Shri Anil Singal, learned counsel appearing for the applicant and Mrs. Sumedha Sharma, learned counsel appearing for the respondents.

2. The applicant who applied for selection to the post of Warder has filed the present application challenging the decision of the respondents authority in rejecting his candidature on the ground of not having the requisite height i.e. minimum 170 cm.

3. It has been contended by the learned counsel for applicant that the applicant apart from the post of Warder had also applied for selection to the post of Constable (Bugler) in the Delhi Police, where the applicant having been found to be more than 170 cm. in height in PET, was called for written test. The learned counsel submits that for the post of Warder, the applicant, however, was stated to be less than 170 cm in height, though he was found to be more than 170 cm in height for selection to the aforesaid post of Constable (Bugler). The learned counsel for the applicant, therefore, submits that the respondents may be directed to conduct a fresh verification of the height of the applicant and if it is found that the applicant fulfils the requirement relating to the height, his candidature for appointment as Warder may be directed to be considered .

4. Mrs. Sumedha Sharma, learned counsel appearing for the respondents on the other hand referring to the averments made in the counter affidavit has submitted that the applicant having found less than 170 cm in height measurement, which

was done with advanced technology of laser based measurement device with high level of accuracy, conducted by the expert professionals of the Evaluation Board, the candidature of the applicant has been rejected, he having not fulfilled the height requirement. The learned counsel, therefore, submits that the applicant is not entitled to the relief claimed under the OA.

5. The arguments advanced by the learned counsel for the parties received our due consideration. We have also perused the pleadings of the parties.

6. It is not in dispute that the height requirement for a candidate for the post of Warder is minimum 170 cm. For the post of Constable (Bugler) in Delhi Police, the height requirement was also minimum 170 cm. It appears from the pleadings in the OA that the applicant having found to be more than 170 cm in height, he was called for the written test in Delhi Police for the Post of Constable (Bugler). However, he having been found less than the minimum requirement of 170 cm for the post of Warder, his candidature was rejected. Though the respondents in the pleadings have contended that the applicant's height was measured with the help of advanced technology of laser based measurement devise conducted by

the expert professionals of the Evaluation Board, the report of such evaluation has not been annexed to the counter reply.

7. Having regard to the fact that the applicant was found to have the minimum height of 170 cm in the written test conducted for appointment as Constable(Bugler) in Delhi Police, we are of the view that to remove the doubt relating to the height of the applicant, his height measurement is required to be re-verified by a Medical Board to be constituted by the Medical Superintendent of Ram Manohar Lohia Hospital which shall have at least three members. The respondents authority shall also make available the records, if any, of the measurement taken by them while rejecting the candidature of the applicant, to the Medical Superintendent of the aforesaid hospital. The said Medical Board with due notice to the applicant as well as the respondents shall measure the height and submit its findings to the respondents authority. The entire exercise is directed to be completed by the Medical Superintendent of the said hospital within one month from the date of receipt of a certified copy of this order.

8. Based on the aforesaid report of the Medical Board, the follow up action shall be taken by the respondents within one month thereafter. The Registry shall forward a copy of this

order to the Medical Superintendent of Ram Manohar Lohia Hospital immediately.

9. The OA is accordingly, disposed of. No costs.

(Raj Vir Sharma)
Member(J)

(Shekhar Agarwal)
Member(A)

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