



**HIGH COURT OF JUDICATURE FOR RAJASTHAN  
BENCH AT JAIPUR**

**S.B. Civil Writ Petition No. 108/2024**

Sapna D/o Chhaju Ram

-----Petitioner

Versus

1. The State Of Rajasthan, Through Its Home Secretary, Secretariat, Rajasthan, Jaipur
2. The Director General Of Police (Recruitment), Police Headquarter, Rajasthan, Jaipur.
3. The Additional Director General Of Police, Recruitment And Promotion Board, Rajasthan, Jaipur.
4. The Additional Director General Of Police, C.I.D., (Crime Branch), Rajasthan, Jaipur.
5. The Superintendent Of Police, CID IB, Jaipur, Rajasthan.

-----Respondents

For Petitioner(s) : Mr. Aamir Khan

For Respondent(s) : None present

**HON'BLE MR. JUSTICE GANESH RAM MEENA**

**Judgment / Order**

**12/03/2024**

Counsel for the petitioner submits that the petitioner has been declared fail by the respondents in the PET/PST Test conducted on 27.12.2023, giving the reason that her height is less than 152 Cm. Counsel further submits that the respondents have incorrectly measured the height of the petitioner because in the recruitment of 2021, the petitioner's height was measured as 152.1 Cm and she was declared pass and again in recruitment of the year 2022, the petitioner's height was measured as 152 Cm. But in the present recruitment the height of the petitioner has



been incorrectly measured below 152 Cm. Counsel further submits that in compliance of the interim order dated 08.01.2024, the petitioner appeared before the Medical Board constituted by the Superintendent AIIMS, Jodhpur for measurement of her height and as per the report of the Medical Board, her height is 152.3 Cm. Counsel further submits that the petitioner has been illegally ousted from the recruitment process by incorrectly measuring her height during Physical Standard Test.

No one has puts in appearance on behalf of the respondents, even after service of notices upon them. However looking to the nature of litigation it is being decided without waiting further for respondents.

Considered the submissions made by counsel for the petitioner and gone through the material available on record.

The factual matrix of the case is that the respondents issued an advertisement dated 03.08.2023 for inviting applications from the eligible candidates for recruitment in various districts/units for post of Constable (General)/Driver/Baned/HorseRider/Dog Squad/Police Telecommunication).

The petitioner filled the Online application Form on 14.08.2023 under the Open Category. The respondents issued an admission card to the petitioner for Physical Efficiency Test and Physical Standard Test scheduled on 27.12.2023. During the Physical Standard Test, the petitioner was declared fail on the ground that she does not possess the requisite height of 152 Cm. Aggrieved by the illegal actions of the respondents declaring the petitioner as failed in the Physical Standard Test measuring her height lower than 152 cm, the petitioner has filed this petition.



On consideration of the submissions made by counsel for the petitioner, this Court vide interim order dated 08.01.2024 directed the Superintendent AIIMS, Jodhpur to constitute the Medical Board for measurement of the height of the petitioner afresh and petitioner was directed to appear before the Superintendent AIIMS, Jodhpur in 19.01.2024. In the interim order, it was also observed that the Board shall measure the height of the petitioner subject to filing of undertaking by her that in case her height is found to be less than 152 Cm by the Board, she will bear the cost of Rs. 25,000. The Superintendent AIIMS, Jodhpur constituted a Medical Board and measured the height of the petitioner and has sent a report to this Court which is on record. As per the report of the Medical Board of the AIIMS Jodhpur, the height of the petitioner is 152.3 Cms.

As per sub-Clause VII of Clause 7 of the advertisement dated 03.08.2023, the requisite height of 152 Cm. is prescribed for the women candidates to qualify for the Physical Standard Test.

The petitioner appeared in the recruitment for the post of Constable in the year 2021 held on 12.04.2021 wherein her height was measured as 152.1 Cm. In a recruitment to the post of Constable of the year 2022, the petitioner appeared for the PST Test on 07.11.2022 wherein her height was measured as 152 Cm and she was declared as passed in the PST Test. In view of the interim order dated 08.01.2024 passed by this Court, when the height of the petitioner was measured by the Medical Board constituted by the Superintendent of AIIMS, Jodhpur, her height has been measured as 152.3 Cm. In view of the fact on record that the petitioner's height was measured as 152.1 Cm on



12.04.2021 and 152 Cm on 07.11.2022 by the respondents themselves and further in compliance of interim order dated 08.01.2024, her height is found to be 152.3 Cm as measured by the Medical Board constituted by the Superintendent of AIIMS, Jodhpur.

In view of these facts, this Court can safely held that the petitioners height is above 152 Cm and the respondents have incorrectly measured her height during the Physical Standard Test conducted on 27.12.2023 and she was illegally declared as failed in the Physical Standard Test.

Since the petitioner's height is held to be more than 152 Cm, she is declared successful in the PST Test and therefore the respondents are now directed to consider her candidature as successful in the PST Test and allow her to participate in the further recruitment process.

Accordingly, this writ petition is allowed.

The petitioner was measured as 152.1 Cm during the recruitment of the year 2021 and 152 Cm during the recruitment of the year 2022.

This Court vide interim order dated 08.01.2024, directed the petitioner to appear before the Medical Board constituted by the Superintendent AIIMS, Jodhpur for measurement of her height subject to giving an undertaking to pay cost of Rs. 25,000 in case her height is found to be less than 152 Cm. Petitioner being confident of the fact that she is having height of more than 152 Cm, gave an undertaking to the Board that she is ready to pay cost of Rs. 25,000 in case her height is less than 152 Cm. The



Medical Board measured her height and she was found to be having height of 152.3 Cm.

From the facts, it is also clear that, the respondents during the PST Test has incorrectly measured the height of the petitioner to be less than 152 Cm and the petitioner has taken a risk to pay cost of Rs. 25,000 for measurement of her height by the Medical Board of the AIIMS, Jodhpur.

This Court in such circumstances deems just and proper to allow the cost of Rs. 1,00,000 to the petitioner to be paid by the respondents for incorrectly measuring her height and because of which she has suffered a great mental agony and litigation cost. The amount of cost should be paid by respondents by a demand draft within a period of one month from the date of submitting certified copy of this order.

(GANESH RAM MEENA),J

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