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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP-2233-2025

JASWINDER KUMAR**...PETITIONERS****VERSUS****UNION OF INDIA AND ORS.****...RESPONDENTS****CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.**

Present: Mr. P.S. Mann, Advocate for the petitioner(s)

Mr. Indresh Goyal, Sr. Panel Counsel for respondents

1.	The date when the judgment is reserved	06.03.2026
2.	The date when the judgment is pronounced	23.04.2026
3.	The date when the judgment is uploaded	24.04.2026
4.	Whether only operative part of the judgment is pronounced or whether the full judgment is pronounced	Full
5.	The delay, if any of the pronouncement of full judgment and reason thereof.	Not applicable

SANDEEP MOUDGIL, J***Prayer***

1. In the present writ petition filed under Articles 226/227 of the Constitution of India, the petitioner seeks issuance of a writ in the nature of mandamus for setting aside the action of the respondents in rejecting his candidature for the post of Constable (Technical & Tradesmen) pursuant to advertisement dated 15.03.2023, and for a direction to the respondents to

conduct a fresh, fair and transparent Physical Standard Test (PST), along with all consequential benefits.

The Conspectus Of Facts

2. The petitioner applied for the post of Constable (Technical & Tradesmen) in CRPF under the 2023 recruitment notification. He qualified the written examination and appeared for the Physical Standard Test (PST) on 10.07.2024. The petitioner claimed to belong to the Dogra category and produced a valid Dogra Certificate. As per the applicable recruitment standards, the minimum required height for candidates belonging to the said category was 165 cm. However, upon measurement conducted by the recruitment board using standard procedure, the petitioner's height was recorded as 164.3 cm (Annexure R-3), which was below the prescribed minimum. Accordingly, he was declared unfit and disqualified at the initial stage of PST.

3. Aggrieved by the said measurement, the petitioner immediately availed the remedy of appeal provided under the recruitment procedure and sought re-measurement of his height before the appellate authority, i.e., the Deputy Inspector General (DIG), Group Centre, CRPF. Upon re-measurement by the appellate authority on the same day, his height was recorded as 164.5 cm, which still fell short of the required 165 cm. Consequently, a rejection slip dated 10.07.2024, duly signed by the appellate authority, was issued to the petitioner clearly indicating the reason for disqualification.

4. That thereafter, the petitioner approached this Court by filing CWP No. 20019 of 2024 challenging his rejection in the PST on the ground of alleged incorrect measurement of height. This Court, vide order dated

28.08.2024, disposed of the said writ petition with directions to the respondents to consider the representation of the petitioner (Annexure P-7), and to reconsider his candidature in accordance with law. The respondents were also granted liberty to re-measure the height of the petitioner and to pass a speaking/reasoned order.

5. Consequently, the Inspector General (IG), NWS, vide Signal dated 21.10.2024 (Annexure R-4), constituted a fresh Board of Officers to conduct re-measurement of the petitioner's height. Pursuant thereto, the petitioner was called to report again at Group Centre, CRPF, Jalandhar on 29.10.2024 vide communication dated 22.10.2024 (Annexure R-5), for fresh PST and re-measurement of his height by the newly constituted board, in strict compliance with the directions of this Court.

6. That on 29.10.2024, the petitioner appeared before the fresh Board of Officers constituted for the purpose of re-measurement. His height was again measured following due procedure and standard protocol, and was found to be 164.5 cm for the third time, which remained below the minimum prescribed height of 165 cm. Accordingly, he was once again declared ineligible for the post.

7. Aggrieved, the petitioner approached the Court alleging arbitrary action and bias by the respondents in the PST process.

Contentions

On behalf of Petitioners

8. Learned counsel for the petitioner contended that the petitioner fulfilled all eligibility criteria for the post of Constable (Technical &

Tradesmen) in CRPF, including the minimum height requirement of 165 cm for his category. It was argued that the height measurements recorded by the respondents (164.3 cm and 164.5 cm) were incorrect, arbitrary, and not in accordance with previous valid records of the petitioner's height, including earlier CRPF recruitments and medical certifications.

9. Counsel emphasized that the petitioner had qualified the written examination, appeared for the PST in good faith, and that the repeated rejection by the respondents was discriminatory, motivated, and amounted to denial of a fair opportunity. It was further submitted that the respondents did not give due consideration to the petitioner's representation submitted during the PST, and that the actions of the recruitment board displayed bias and contravened the directions of the Punjab and Haryana High Court dated 28.08.2024.

On behalf of Respondents:

10. Learned counsel for the respondents submitted that the petitioner's height, when measured on multiple occasions, was consistently found to be below the required minimum of 165 cm, and therefore, he was correctly disqualified from the PST. It was argued that the respondents acted in accordance with the advertisement, recruitment rules, and the specific directions of the High Court, including providing the petitioner opportunities for re-measurement. Counsel emphasized that technical experts conducted the measurements in a fair and transparent manner, and the Court cannot interfere with factual findings recorded by such experts.

11. It was further contended that there was no bias or mala fide intention on the part of the respondents, and the writ petition is not

maintainable as it seeks adjudication on disputed questions of fact which are outside the scope of extraordinary writ jurisdiction.

12. Arguments were heard and the judgement was kept reserved on 06.03.2026.

Issues for Consideration:

Whether this Court, in exercise of its writ jurisdiction, ought to interfere with the factual determination of the petitioner's height recorded by the competent recruitment authorities.

13. This Court has considered the rival submissions made by learned counsel for the parties and has carefully perused the record placed on file. The core grievance of the petitioner revolves around the alleged incorrect measurement of his height and the consequent rejection of his candidature in the Physical Standard Test (PST).

Scope of Judicial Review in Recruitment Matters:

14. At the outset it is apt to note that recruitment to public posts lies primarily within the domain of the competent authority, which possesses the requisite expertise to assess eligibility, qualifications, and physical or technical standards. Courts, exercising powers under Articles 226 and 227 of the Constitution, ordinarily refrain from interfering with factual findings or technical evaluations made by such authorities, particularly where the matter involves professional judgment or specialized expertise.

15. The position in law is no longer res integra. The Supreme Court in ***Union of India v. P. Gunasekaran (2015) 2 SCC 610*** authoritatively delineated the contours of judicial review, holding that the High Court does

not act as an appellate forum to re-appreciate evidence or substitute its own conclusions in place of those arrived at by competent authorities, unless the decision is vitiated by perversity, mala fides or patent illegality. Reference may be drawn from paragraphs 13 and 14 of the same:

13. Despite the well-settled position, it is painfully disturbing to note that the High Court has acted as an appellate authority in the disciplinary proceedings, re-appreciating even the evidence before the enquiry officer. The finding on Charge No. I was accepted by the disciplinary authority and was also endorsed by the Central Administrative Tribunal. In disciplinary proceedings, the High Court is not and cannot act as a second court of first appeal. The High Court, in exercise of its powers under Article [226/227](#) of the Constitution of India, shall not venture into re-appreciation of the evidence. The High Court can only see whether :

- a. the enquiry is held by a competent authority;*
- b. the enquiry is held according to the procedure prescribed in that behalf;*
- c. there is violation of the principles of natural justice in conducting the proceedings;*
- d. the authorities have disabled themselves from reaching a fair conclusion by some considerations extraneous to the evidence and merits of the case;*
- e. the authorities have allowed themselves to be influenced by irrelevant or extraneous considerations;*
- f. the conclusion, on the very face of it, is so wholly arbitrary and capricious that no reasonable person could ever have arrived at such conclusion;*
- g. the disciplinary authority had erroneously failed to admit the admissible and material evidence;*
- h. the disciplinary authority had erroneously admitted inadmissible evidence which influenced the finding;*
- i. the finding of fact is based on no evidence.*

Under Article [226/227](#) of the Constitution of India, the High Court shall not:

- (i). re-appreciate the evidence;*

- (ii). *interfere with the conclusions in the enquiry, in case the same has been conducted in accordance with law;*
- (iii). *go into the adequacy of the evidence;*
- (iv). *go into the reliability of the evidence;*
- (v). *interfere, if there be some legal evidence on which findings can be based.*
- (vi). *correct the error of fact however grave it may appear to be;*
- (vii). *go into the proportionality of punishment unless it shocks its conscience.*

16. Thus, the courts cannot substitute their own assessment for that of technical experts, and judicial intervention is limited to ensuring procedural fairness, legality, and the absence of mala fide intent. Reliance may be placed on “***Dalpat Abasaheb Solunke v. Dr. B.S. Mahajan 1990 (1) SCC 305***”, wherein it was held that,

“9. It will thus appear that apart from the fact that the High Court has rolled the cases of the two appointees in one, though their appointments are not assailable on the same grounds, the Court has also found it necessary to sit in appeal over the decision of the Selection Committee and to embark upon deciding the relative merits of the candidates. It is needless to emphasise that it is not the function of the Court to hear appeals over the decisions of the Selection Committees and to scrutinise the relative merits of the candidate. Whether a candidate is fit for a particular post or not has to be decided by the duly constituted Selection Committee which has the expertise on the subject. The Court has no such expertise. The decision of the Selection Committee can be interfered with only on limited grounds, such as illegality or patent material irregularity in the constitution of the Committee or its procedure vitiating the selection, or proved mala fides affecting the selection etc. It is not disputed that in the present case the University had constituted the Committee in due compliance with the relevant statutes. The Committee consisted of experts and it selected the candidates after going through all the relevant material before it. In sitting in appeal over the selection so made and in setting it aside on the ground of the so called comparative merits of the candidates as assessed by the Court, the High Court went wrong and exceeded its jurisdiction.”

17. In *M.V. Thimmaiah v. Union Public Service Commission 2007 INSC 1294*, it was held that factual determinations made by expert boards during recruitment are binding unless they are perverse, patently illegal, or motivated by mala fide considerations while observing that,

9. Now, comes the question with regard to the selection of the candidates. Normally, the recommendations of the Selection Committee cannot be challenged except on the ground of mala fides or serious violation of the statutory Rules. The Courts cannot sit as an appellate authority to examine the recommendations of the Selection Committee like the Court of appeal. This discretion has been given to the Selection Committee only and Courts rarely sit in court of appeal to examine the selection of the candidates nor is the business of the Court to examine each candidate and record its opinion.

18. Consequently, in the present case, the petitioner was subjected to height measurement on three separate occasions. Initially, on 10.07.2024, his height was measured as 164.3 cm by the recruitment board. Upon his request, he was granted an opportunity for re-measurement before the appellate authority on the same day, wherein his height was recorded as 164.5 cm. Even thereafter, pursuant to the directions issued by this Court in CWP No. 20019 of 2024, a fresh Board of Officers was duly constituted, and the petitioner was again called for re-measurement on 29.10.2024. On this occasion as well, his height was consistently recorded as 164.5 cm.

19. Thus, the factual position that emerges from the record is that on all three occasions, including one conducted by a freshly constituted independent board in compliance with judicial directions, the petitioner's height remained below the prescribed minimum standard of 165 cm. This consistent finding significantly weakens the petitioner's allegation of arbitrariness or

manipulation. On the contrary, the process reflects fairness, transparency, and compliance with principles of natural justice.

20. The respondents have complied with the procedural directives of the High Court, afforded the petitioner multiple opportunities, and provided reasoned rejection slips, thereby ensuring transparency and fairness. Prescribed standards in recruitment, particularly those relating to physical attributes, are to be applied uniformly and strictly.

21. Insofar as the allegation of mala fides or bias is concerned, the same remains unsupported by any cogent material on record. Mere dissatisfaction with the outcome or marginal variation in measurements does not *ipso facto* establish arbitrariness. Infact, the repeated and consistent measurements carried out by different authorities, including a fresh board, reinforce the credibility of the process adopted by the respondents.

22. The petitioner has relied upon an outpatient card of AIIMS, Bilaspur dated 09.09.2025 to contend that his height has been recorded as 165 cms; however, this Court is constrained to observe that the said re-measurement was neither directed by this Court nor undertaken at the instance of the competent recruiting authority in accordance with the prescribed procedure, and in the face of measurements already recorded by duly authorised expert bodies engaged by the recruiting authority, such subsequent measurement, even if obtained from a Government hospital, cannot dislodge or override the earlier authenticated and selection-based record.

23. In light of the above factual matrix, this Court finds that the determination of the petitioner's height is a pure question of fact, based on

technical assessment conducted by competent authorities. The scope of judicial review in such matters is extremely limited, as already delineated by the Supreme Court in the judgments referred to hereinabove. This Court cannot re-appreciate the evidence or substitute its own assessment for that of expert bodies, particularly when the process has been conducted in accordance with law.

Conclusion

24. Viewed thus, the present writ petition is, in essence, an invitation to this Court to sit in appeal over concurrent factual determinations rendered by competent authorities, each acting within the bounds of their jurisdiction and in compliance with due procedure. Such an exercise falls beyond the permissible contours of judicial review under Articles 226 and 227 of the Constitution.

25. Accordingly, the writ petition does not merit interference and is hereby dismissed.

26. Pending application(s), if any shall be disposed off, accordingly.

(SANDEEP MOUDGIL)
JUDGE

23.04.2026

NainaRajput

Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*