

IN THE SUPREME COURT OF INDIA

INHERENT JURISDICTION

CONMT.PET.(C) No.127/2019 in SLP(C) No.10071/2018

BINOD KUMAR MISHRA

Petitioner(s)

VERSUS

RAJIV KUMAR & ANR.

Respondent(s)

**ORDER**

On 11.03.2019, following order was passed by this Court:

“ In the Medical Test undertaken on 04.10.2011., the height of the petitioner was found to be 168 cms., in terms of the Certificate issued under the signature of Dr. R.N. Verma, Medical Officer, Bhinga Sawasti.

Subsequently, the height of the petitioner was found by the Medical Board to be 167 cms. Upon representation made by the petitioner, a Medical Board was re-constituted which now has found the height of the petitioner to be 167.5 cms.

The minimum requirement for height is 168 cms. and this is the only point on which the petitioner has not been given appointment.

Let a fresh Board be constituted at Varanasi on 14.03.2019 and the height be measured electronically. The exact place for conducting examination shall be intimated by the learned counsel for the State to the learned Advocate-on-Record appearing for the petitioner.

Let the Medical Board consider the matter and submit a report immediately to this court.

List this matter on 15.03.2019.”

Pursuant to the aforesaid direction, a Medical Board was constituted on 14.03.2019 and the height of the petitioner was measured electronically. According to the report submitted by the Medical Board, height of the petitioner was found to be 166.6 cms.

Since the height required for a candidate to be considered for the post of Police Inspector is minimum 168 cms, the benchmark is not satisfied in the present matter. It is precisely for this reason that the candidature of the petitioner was rejected by the concerned authorities twice over.

We had however made an exception and directed fresh consideration by the Medical Board. But as the consideration now shows the height to be less than 168 cms., we see no reason to interfere in the matter.

The contempt petition is, accordingly, dismissed.

.....J.  
[UDAY UMESH LALIT]

.....J.  
[INDU MALHOTRA]

**NEW DELHI;**  
**MARCH 15, 2019.**



Let a fresh Board be constituted at Varanasi on 14.03.2019 and the height be measured electronically. The exact place for conducting examination shall be intimated by the learned counsel for the State to the learned Advocate-on-Record appearing for the petitioner.

Let the Medical Board consider the matter and submit a report immediately to this court.

List this matter on 15.03.2019."

Pursuant to the aforesaid direction, a Medical Board was constituted on 14.03.2019 and the height of the petitioner was measured electronically. According to the report submitted by the Medical Board, height of the petitioner was found to be 166.6 cms.

Since the height required for a candidate to be considered for the post of Police Inspector is minimum 168 cms, the benchmark is not satisfied in the present matter. It is precisely for this reason that the candidature of the petitioner was rejected by the concerned authorities twice over.

We had however made an exception and directed fresh consideration by the Medical Board. But as the consideration now shows the height to be less than 168 cms., we see no reason to interfere in the matter.

The contempt petition is, accordingly, dismissed.

(MUKESH NASA)  
COURT MASTER

(SUMAN JAIN)  
BRANCH OFFICER

(Signed Order is placed on the File)