

Mr. H.D. Thanvi, Adv.
Mr. Namo Narayan Sharma, Adv.
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Mr. Rishi Matoliya, AOR

UPON hearing the counsel the Court made the following
O R D E R

We have heard learned counsel for the parties at length.

We are not in agreement with the course followed by the High Court and the view expressed whereby after considerable period of time re-measurement of chest are taken as it is possible to increase the chest measurements through a regulated exercise. This is more so as a right of appeal was provided to the persons who did not have the minimum chest measurements.

One aspect we must note is the fact that all these candidates were persons who were provided relaxation under the relevant rule which is for the benefit of SC/ST candidates. In terms of the rule of relaxation they would come at the end of the merit list. That is the reason the respondents assailed the decision to put them at the end of the merit list which may deprive them all their appointment.

We are also informed that in the subsequent selection process the petitioners have improved the methodology so that the parties are better aware.

We are faced with the situation where while not agreeing with the exercise undertaken by the High Court, we have candidates from the SC/ST category before us who are in service as per the directions passed in the impugned orders from the period varying for one to two years. To interfere with these orders now would amount to make them unemployed.

In view of the aforesaid facts and circumstances, we do not deem it appropriate to exercise jurisdiction under Article 136 of the Constitution of India but not giving our imprimatur to the orders passed by the High Court and the rationale for the same.

The special leave petitions are, therefore, dismissed.

Pending applications stand disposed of.

[CHARANJEET KAUR]
ASTT. REGISTRAR-cum-PS

[POONAM VAID]
COURT MASTER (NSH)