



2025:DHC:9434-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 3512/2025 & CM APPL. 66790/2025**

LUMTIPPOU JOY GANGMEIH AND ORS.Petitioners

Through: Mr. Colin Gonsalves, Sr. Adv.
with Mr. Jepsy Y Chisho, Mr. Kaoliangpou
Kamei and Mr. Atul Chakma, Advs.

versus

STAFF SELECTION

COMMISSION AND ORS.Respondents

Through: Ms. Manisha Agarwal Narain,
CGSC with Mr. Nipun Jain, Adv.

CORAM:

HON'BLE MR. JUSTICE C. HARI SHANKAR

HON'BLE MR. JUSTICE OM PRAKASH SHUKLA

JUDGMENT (ORAL)

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28.10.2025

C. HARI SHANKAR, J.

WP (C) 3512/2025 & CM APPL. 66790/2025

1. Though what is listed today before us is CM Appl. 66790/2025, we are of the opinion that, in view of the order dated 25 August 2025, passed by the Supreme Court in SLP (C) Diary No. 40304/2025¹, the prayers in the writ petition themselves have to be allowed. Inasmuch this petition deals with Scheduled Tribe candidates hailing from the North-East, who are seeking entry into the Central Armed Police

¹ UOI v Lumtippou Joy Gangmeih



Forces², we deem it appropriate to dispose of the writ petition itself after hearing learned Counsel for the parties.

2. The issue in controversy is brief. The petitioners are aspirants to the post of Sub-Inspectors (GD) in the CAPFs. They underwent the concerned selection process but were disqualified on the ground that they were short of the required height. The height requirement, on the basis of which the candidature of the petitioners was assessed, was 162.5 cms. The petitioners' case is that, by virtue of OM dated 19 November 2018, issued by the Ministry of Home Affairs, persons belonging to the North East were required to satisfy a height requirement of only 157 cms instead of 162.5 cms. It is not in dispute that the petitioners satisfy the height requirement of 157 cms.

3. In these circumstances, we had issued notice in this petition on 24 March 2025.

4. Subsequently, the following order was passed by us on 24 March 2025:

“W.P.(C) 3512/2025

1. We have heard Mr. Colin Gonsalves, learned Senior Counsel for the petitioners and Ms. Manisha Agarwal Narain, learned CGSC for the respondents.

2. The issue in controversy in this petition is short. On 19 November 2018, the Ministry of Home Affairs³ issued an Office Memorandum, inviting applications for persons who desired to be recruited as Constable (GD), Gorkhas (Male) and Male Scheduled Tribes Candidates of the North East States as well as Sub-Inspector

² “CAPFs” hereinafter

³ “MHA” hereinafter



(GD) in the Central Armed Police Forces and as ASI (Exe.) in the Central Industrial Security Force⁴.

3. The examination notice required the candidate to be prescribed 162.5 cms in height to be eligible for recruitment. Some of the petitioners meet the said requirements, whereas others do not. However, the petitioners submit that they are all over 157 cms in height.

4. The petitioners' claim is predicated on Office Memoranda dated 19 November 2018 and 7 January 2019, issued by the MHA, which read thus:

“OM dated 19 November 2018

NO.1-45020/21/2018-Pers-II
Government of India
Ministry of Home Affairs
(Pers-II)

North Block, New Delhi
Dated 19.11.2018

OFFICE MEMORANDUM

Subject: - **Height norms for Male STs of NE States for the post of Constable(GD) and Gorkhas (Male) and Male STs of NE States for the post of Sub-Inspector(GD) in CAPFs and ASI(Exe) in CISF- reg.**

The undersigned is directed to invite attention to the subject mentioned above and to say that in order to maintain uniformity in height norms of Male Gorkhas and Male STs of NE States, the Competent Authority has approved relaxed/revised height norms for the ibid categories for recruitment to the post of SI(GD) in CAPFs/ASI(Exe) in CISF and Constable(GD) in CAPFs & ARs. The height norms would be as under :-

Category	Name of posts/Examination	Existing height criteria	Revised/ Relaxed height criteria
For Male Gorkhas and Male	Sub-Inspector (GD) in CAPFs and ASI(Exe) in	165 cms & 162.5 respectively	157 cms both for Male

⁴ “CISF” hereinafter



2025:DHC:9434-DB



STs of North Eastern States (NE States)	CISF Examination.		Gorkhas & Male STs of NE States.
For Male STs of North Eastern States (NE States)	Constable(GD)	162.5 cms	157 cms

2. All the forces are requested to kindly note the height norms as above and refer the proposals to the Administrative Desk in MHA for amendment of height norms in RRs in respect of the above mentioned categories/posts.

(Lalit Kapoor)
Under Secretary to the Govt. of India
Tel.No.2309 2889”

“OM dated 7 January 2019

No.A.Pers/04/Rect NCC/2017
Government of India
Ministry of Home Affairs/Pers-II

North Block, New Delhi
Dated the 7th Jan,2019

OFFICE MEMORANDUM

Sub:- **Height norms for Male STs of NE States for the post of Constable(GD) and Gorkhas(Male) and Male STs of ne States for the post of Sub-Inspector(GD) in CAPFs and ASI(Exe) in CISF-reg.**

The undersigned is directed to refer this Ministry's OM No.I-45020/21/2018-Pers-II dated 19.11.2018 on the subject cited above and to say that in order to bring uniformity in height norms of ST Male candidates



belonging to North Eastern States, the Competent Authority, has approved revision of height for all ST(Male) candidates of North Eastern States to 157 cms. The relaxation in height norms would be applicable for all future recruitments and amendments to this effect wherever applicable should be done expeditiously in the RRs.

(Lalit Kapoor)
Deputy Secretary to the Govt. of India
Tel. 2309-2889”

5. Mr. Gonsalves submits that the relaxed height dispensation, as contained in the afore-extracted Office Memoranda, was a salutary move aimed at ameliorating the lot of candidates who were in the North East. He submits that, despite seven years having passed since the MHA OM dated 19 November 2018 was issued, the Recruitment Rules⁵ of the respondents have not been amended so as to relax the height recruitment to 157 cms. If the RRs are amended, he submits that the examination notice would have to cede place to the stipulation in the RRs.

6. We, therefore, granted Ms. Manisha Agarwal Narain an opportunity to explain why the matter has been languishing for seven years.

7. Today, she appears and submits that the draft RRs are in the process of finalisation, and that time has been taken in deliberations and considerations.

8. The period of seven years, *prima facie*, is too long to be explained away on this ground.

9. Given the fact that the petitioners have OMs issued by the MHA, which is the controlling authority of the Paramilitary Forces, as far back as in 2018 and 2019, in their favour, we are of the opinion that the petitioners are entitled to some degree of interim protection.

10. In view of the aforesaid, issue notice to show cause as to why rule *nisi* be not issued.

11. Notice is accepted on behalf of the respondents by Ms. Manisha Narain.

12. Counter-affidavit, if any, be positively filed within three

⁵ “RRs” hereinafter



weeks with advance copy to learned Counsel for the petitioner who may file rejoinder thereto within one week thereof.

13. As the matter would have wide repercussions, we list the writ petition for disposal in the supplementary list on 29 April 2025.

14. No extension of time for filing counter-affidavit or rejoinder shall be granted and no adjournment would be granted on the next date of hearing.

15. In case the respondents are proceeding with the selection process pursuant to the aforesaid notices dated 19 November 2018 and 7 January 2019, we direct that the petitioners' cases would also be considered by relaxing the height requirement to 157 cms.

16. This would, however, be strictly subject to the outcome of the writ petition and the petitioners would not be entitled to claim any equities on that ground.

CM APPL. 16445/2025

17. Issue notice, returnable on 29 April 2025.

18. Counter-affidavit, if any, be filed within three weeks with advance copy to learned Counsel for the petitioner who may file rejoinder thereto within one week thereof.

19. Re-notify for disposal on 29 April 2025 in the supplementary list.

20. *Dasti.*"

5. On the basis of the directions contained in the afore-extracted order dated 24 March 2025, the petitioners were permitted to participate in the selection process.

6. The aforesaid order dated 24 March 2025 was carried by the Union of India in appeal to the Supreme Court by way of SLP (C) Diary No. 40304/2025. By order dated 25 August 2025, the Supreme Court dismissed the SLP in the following terms:



“ORDER

Delay condoned.

Learned counsel for the petitioners submitted that there has been a modification in the recruitment rules inasmuch as the existing height of 165 cms and 162.5 cms respectively has been reduced to 157 cms both for Male Gorkhas and Male STs of North East States in respect of the post of Sub-Inspector (GD) in CAPFs and ASI(Exe) in CISF examination as well as for Male STs of North Eastern States [NE States for the post of Constable (GD)]

Hence, we do not find any merit in the Special Leave Petition.

The Special Leave Petition is hence, dismissed.

Pending application(s), if any, shall stand disposed of.”

7. In view of the aforesaid order passed by the Supreme Court, which is based on a statement made by the UOI before the Supreme Court, it cannot lie on the mouth of the UOI now to contest the petitioners’ eligibility to be considered on the basis of a height requirement of 157 cms.

8. Ms. Narain, learned CGSC submitted that the issue of whether the modified requirement of 157 cms could retrospectively apply to the petitioners may still remain open for consideration.

9. We do not agree. The order which was under challenge before the Supreme Court was the order dated 24 March 2025, passed by us in the case of the present petitioners, which stands reproduced in para 4 *supra*. Clearly, this Court had expressed a *prima facie* opinion in favour of the petitioners and directed their candidature to be considered, albeit provisionally, on the basis of a height requirement



2025:DHC:9434-DB



of 157 cms. That order was carried in appeal to the Supreme Court. Before the Supreme Court, the UOI made a statement that the height requirement had been reduced by a policy decision to 157 cms. *Based on this statement, the Supreme Court dismissed the SLP.*

10. In other words, the Supreme Court was also made to believe that the benefits of the reduced height requirement would also be available to the petitioners. We cannot, therefore, allow the respondents now to seek to contest the entitlement of the petitioners' candidature on the basis of a height requirement of 157 cms any further.

11. In that view of the matter, the prayers in the writ petition, which are only directed against the consideration of the petitioners' candidature on the basis of the height requirement of 162.5 cms, have to succeed.

12. During the pendency of the petition, CM Appl. 66790/2025 has been filed by the petitioners, which is listed today before us. The grievance of the petitioners in this application, is that, though the petitioners were permitted to participate in the selection process consequent to our order dated 29 April 2025, their results have not been declared.

13. Mr. Gonsalves, learned Senior Counsel for the petitioners has drawn our attention to two paragraphs of the notice issued by the Staff



Selection Commission⁶ whereby the petitioners' results have been withheld. The reason for withholding the candidature of certain candidates in the notice of the SSC is cited to be "pending court cases" and "other reasons". Mr. Gonsalves submits, on instructions, that apart from the present petition, there are no other court cases pending against the petitioners.

14. Ms. Narain submits, however, that in case this Court is inclined to direct the release of the petitioners' results, it should be made subject to the condition that there are no other court cases pending against the petitioners.

15. This is a reasonable request and we do not find any reason not to accede to it.

16. Accordingly, we dispose of this writ petition in the following terms:

(i) It is declared that the petitioners are entitled to have their candidature for the post of recruitment as SIs in the CAPFs and Delhi Police assessed on the basis of a height requirement of 157 cms.

(ii) All petitioners who satisfy the said height requirement would be treated as meeting the requisite height standard. If this is the only impediment in the petitioners' way and there are no other court cases pending against the petitioners, we direct that

⁶ "SSC" hereinafter



2025:DHC:9434-DB



the petitioners' results be declared and their candidature for the post of SIs be further processed in accordance with their performance in the selection process.

(iii) Needless to say, should the petitioners succeed, they would be granted appointment at par with others who participated along with the petitioners in the selection process.

17. The petition stands allowed to the aforesaid extent.

18. It is stated that CONT. CAS (C) 624/2025, which also pertains to the present proceedings, is listed on 11 November 2025. Mr. Gonsalves, learned Senior Counsel for the petitioners, on instructions, submits that the said contempt case may also be disposed of.

19. Accordingly, we dispose of CONT. CAS (C) 624/2025 as not surviving for consideration.

20. The date of 11 November 2025, already fixed in the present writ petition and in the contempt case, would stand cancelled.

21. Let this order be also placed on the file of CONT. CAS (C) 624/2025.

C. HARI SHANKAR, J

OM PRAKASH SHUKLA, J

OCTOBER 28, 2025/AR