



2025:DHC:6336-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 11260/2025 & CM APPL. 46299/2025, CM APPL.
46300/2025

INSPECTOR SHIVKALI DHURVEPetitioner
Through: Mr. M.D. Jangra, Adv.

versus

UNION OF INDIA AND ORSRespondents
Through: Mr. Siddharth Khatana, Adv.
with Mr. Vinod Sawant, Law Officer, CRPF,
Insp. Athurv, and Mr. Ramniwas Yadav,
CRPF

CORAM:
HON'BLE MR. JUSTICE C. HARI SHANKAR
HON'BLE MR. JUSTICE OM PRAKASH SHUKLA

JUDGMENT (ORAL)

% **31.07.2025**

C. HARI SHANKAR, J.

1. The petitioner in this writ petition is aspirant for the post of Assistant Commandant (GD) in the Central Armed Police Forces¹. She underwent the selection process but was disqualified at the stage of physical medical examination on the ground of insufficiency in height. The petitioner is member of the Scheduled Tribes, from states in North East.

2. With consent of learned Counsel, as the issue is covered, the petition is taken up finally.

¹ "CAPF" hereinafter



3. The grievance of the petitioner is that she was assessed on the basis of a height requirement of 162 cms, which stands relaxed in the case of the ST candidates from the North East to 154 cms. This, she submits, stands affirmed by a judgment dated 13 August 2024 of a Division Bench of this Court in *Inspector TD Cyril Mimin Zou v UOI*². The said decision followed an earlier judgment of the Division Bench of this Court in *Tholu Rocky v Direction General CISF*³.

4. For ready reference, we may reproduced paras 15 to 21 of the decision in *Cyril Mimin Zou*, thus:

“15. In the present case, the petitioner is an aspirant belonging to the ST category hailing from the State of Manipur. The Ministry of Home Affairs vide its notification dated 01.12.2021 provided relaxation to the ST candidates with the minimum height requirement being 162.5 cms to the post of Assistant Commandant in Central Industrial Security Force (CISF) i.e. one of the sister Forces of the CAPF. The relevant portion from the notifications reads as under:

PHYSICAL AND MEDICAL STANDARDS FOR THE CANDIDATE FOR THE POST OF ASSISTANT COMMANDANTS IN THE CISF SELECTED THROUGH LIMITED DEPARTMENTAL COMPETITIVE EXAMINATION-2022

(1) Physical Standards: The Minimum requirements for the candidate (for all categories) are as follows:

	Men	Women
Height	165 cm (Gen & SC)	157 cms (Gen & SC)
	162 cms (ST)	154 cms (ST)
Chest (unexpanded)	81 cms (with 5 cm minimum expansion)	Not applicable
Weight	Corresponding to height	Corresponding to height
Medical	SHAPE-I	SHAPE-I

(Emphasis supplied)

² Judgment dated 13 August 2024 in WP (C) 11133/2024

³ 2012 SCC OnLine Del 3828



16. In these circumstances, we find no reason as to why the said benefit regarding the relaxation, pertaining to which has been made applicable to the aspirants seeking to join CAPF, cannot be extended to the petitioner who is similarly placed in the ST category in the ITBP. Hence, there is no justification for not providing the relaxation in height, absence of which only becomes an impediment in the petitioner's aspiration to move up the ladder in his service career.

17. Even otherwise, viewed from this angle as well, the aspect as noted hereinabove is squarely covered by the decision of this Court in *Tholu Rocky* (supra) which has attained finality. The petitioner, if not granted the relaxation, will suffer stagnation without an opportunity to seek promotion to ascend in the hierarchy.

18. We also find that the petitioner had earlier filed a similar petition being W.P.(C) 2032/2023 wherein a Coordinate Bench of this Court vide its order dated 17.02.2023 had made the following observations:

“7. The respondents are directed to allow the petitioner to proceed in the selection process, however, the result shall be kept in a sealed cover and that will be subject to the outcome of the present petition.

8. It is made clear that his height in question shall not be taken into consideration while allowing the petitioner to participate in the selection process”

19. However, since the petitioner could not qualify the selection process on merits, the said writ petition was disposed of on 16.11.2023 without rendering any finding qua the petitioner's claims.

20. Accordingly, we direct that the respondents, subject to the petitioner qualifying the other parameters of the selection process and verification by the respondents of the petitioner's claim that he was granted relaxation in height at the time of his induction in the ITBP as a Sub-Inspector (GD), will permit him to take part in the ongoing selection process after granting him the necessary relaxation for considering his case for the post of Assistant Commandant (GD) through LDCE.

21. The writ petition stands allowed in the aforesaid terms. Pending application also stands disposed of.”



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5. The decision of the Division Bench in *Cyril Mimin Zou* was taken to the Supreme Court by the Union of India by way of SLP(C) Diary No. 53424/2024⁴. The Supreme Court, by order dated 13 December 2024, declined to interfere with the judgment of the High Court and dismissed the Special Leave Petition.

6. Mr. Khatana frankly acknowledges that he is not in a position to distinguish the facts of the present case from the decision in *Cyril Mimin Zou*.

7. In that view of the matter, following the judgment of the Division Bench of this Court in *Cyril Mimin Zou*, this writ petition is allowed. The respondents are directed to assess the petitioner's height on the basis of a requirement of 154 cms instead of 162 cms.

8. In case the petitioner qualifies on that basis, she shall be permitted to participate in the further round of selection.

9. The writ petition stands allowed in the aforesaid terms.

C. HARI SHANKAR, J.

OM PRAKASH SHUKLA, J.

JULY 31, 2025

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⁴ UOI v TD Cyril Mimin Zou