HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

S.B. Civil Writ Petition No. 7094/2023

Pooja Bhambi D/o Radheshyam, Aged About 23 Years, R/o Behind Union Bank Mangliyawas, Tehsil Peesangan, District Ajmer, Rajasthan.

----Petitioner

Versus

- State Of Rajasthan, Through Principal Secretary, Department Of Forest, Government Of Rajasthan, Government Secretariat, Jaipur.
- 2. Principal Chief Conservator Of Forest, Jaipur.
- 3. Deputy Conservator Of Forest, Ajmer.
- 4. Rajasthan Staff Selection Board, State Agriculture Management Institution Premises, Durgapura, Jaipur, Rajasthan.

----Respondents

For Petitioner(s) : None

For Respondent(s) : Mr. D.S. Jasol

HON'BLE MR. JUSTICE VINIT KUMAR MATHUR

Order

02/06/2023

The present writ petition has been filed with the following prayers:-

- "i. Issue an appropriate writ, order or direction in the nature thereof, the respondents be directed to give appointment to the petitioner on the post of Forest Guard as the petitioner secured more marks than the last cut off in her category.
- ii. Issue an appropriate writ, order or direction in the nature thereof thereby, direct the respondents, the measurement of chest of the petitioner may kindly be made properly through qualified doctors at SMS Hospital at Jaipur of AIMS Hospital at Jodhpur.
- iii. Issue an appropriate writ, order or direction in the nature thereof thereby, the action of the respondents may kindly be declared illegal by which they have wrongly measured the chest of the petitioner.

This Court after having considered the submission made on behalf of the parties passed an order on 24.05.2023 in the

following terms:-

"Heard learned counsel for the petitioner.

Learned counsel for the petitioner submits that in the selection process for the Forest Guards, the chest measurement of the petitioner is found below 79 cms, however, the chest measurement taken by the Police Dispensary, Ajmer is normal 80 cms and expanded 85 cms. Learned counsel, therefore, submits that there is difference of measurement of the chest of the petitioner by the authorities of the respondent Department and the Police Dispensary, Ajmer. Therefore, the chest measurement of the petitioner may be got done from an independent body.

In that view of the matter, the Superintendent of All India Institute of Medical Sciences, Jodhpur is directed to constitute a Medical Board consisting of three persons who will take measurement of the chests of the petitioner and submit a report to this Court.

The petitioner is directed to appear before the Superintendent of All India Institute of Medical Sciences, Jodhpur, along with copy of this order on 26/05/2023.

Learned counsel for the respondent may depute a representative on 26/05/2023 before the Superintendent of All India Institute of Medical Sciences, Jodhpur, if they so desire.

Meanwhile and till the next date of hearing, the respondents shall keep five posts of Forest Guards vacant.

Shri Digvijay Singh Jasol, learned counsel, appears for the respondents and seeks some time to file reply.

Time prayed for is allowed. List the matter on 01/06/2023."

In pursuance of the direction issued by this Court on 24.05.2023, a Board was constituted by All India Institute of Medical Sciences, Jodhpur for examination of the petitioner. The Board has submitted its report in a sealed cover before this Court.

[2023:RJ-JD:18803] [CW-7094/2023]

The report is opened and the opinion of the Board reads as under:-

Pooja Bhambi S/o Sh. Radhesyam

Opinion by the Medical Board:-

On examination of the petitioner, the board has found that the Chest Measurement of the individual is as follows:-

Chest - Normal 79.5 cm Expanded 84.5 cm

The original copy of the report is taken on record and the registry is directed to supply the certified copy of the report received from All India Institute of Medical Sciences, Jodhpur forthwith to the parties.

In pursuance of the report received, the respondents are directed to consider the candidature of the petitioner in terms of the report as per Rules.

In view of the above, the present writ petition is disposed of.

(VINIT KUMAR MATHUR),J

5-/Vivek/-