

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH**

**ORIGINAL APPLICATION NO 1087 OF 2014**

**DISTRICT : KOLHAPUR**

Shri Sandeepkumar S. Nalavade, )  
Occ : Nil, R/o: A/P Banage, Tal-Kagal, )  
Dist-Kolhapur. )  
Add for service of notice: )  
Shri A.V Bandiwadekar, advocate, )  
Office at 9, Ram Kripa, Lt. Dilip Gupte Marg, )  
Mahim, Mumbai 400 016. )...**Applicant**

**Versus**

The Chairman / Secretary, )  
Maharashtra Public Service Commission, )  
[M.S], Mumbai, having office at )  
3<sup>rd</sup> floor, Bank of India Bldg, M.G Road, Fort, )  
Hutatma Chowk, Mumbai 400 001. )...**Respondent**

Shri A.V Bandiwadekar, learned advocate for the Applicant.

Ms Swati Manchekar, learned Chief Presenting Officer for the Respondents.

**CORAM** : **Shri P.N Dixit (Vice-Chairman) (A)**  
**Shri A.D Karanjakar (Member) (J)**

**DATE** : **13.06.2019**

**PER** : **Shri P.N Dixit (Vice-Chairman) (A)**

**ORDER**

1. Heard Shri A.V Bandiwadekar, learned advocate for the Applicant and Ms Swati Manchekar, learned Chief Presenting Officer for the Respondents.

2. In this Original Application, the applicant has prayed that the impugned order rejecting his claim was on the ground that his height was 164.5 cms instead of the required height of 165 cms.

3. In a similar case, this Tribunal had passed order on 28.6.2006 in O.A 254/2006 & Ors, Shri Balbhim G. Salunkhe Vs. Chairman, MPSC as under:-

“We make it clear that measurement of the height of the applicants shall be done under the supervisions of the Transport Commissioner. The exercise is to be done in any of the Government Hospital situated in Mumbai by calling the applicants to attend the office of the Transport Commissioner and then they shall be taken to any of the Government Hospital situated at Mumbai as per the convenience of the applicants and Transport Commissioner. This exercise shall be done as early as possible and preferably within two months from today. After the exercise of taking measurement of height we direct the Transport Commissioner to forward the report to the M.P.S.C, who shall be then act in accordance with the said report and issue appropriate orders.”

(Quoted from page 34 of the O.A)

4. Learned advocate for the applicant prayed that similar exercise may be conducted now.

5. We, therefore, direct the authorities of J.J Hospital (The Standing Medical Board of J.J Hospital), to do the necessary exercise in present of the authorities from M.P.S.C and from the Respondents.

6. This exercise should be completed preferably within a period of three months from today. The progress of the same should be communicated to this Tribunal. If the height of the applicant is found valid as per the requirement, he may be considered to be allowed to

appear for the examination for the post to which he has appeared, subject to other qualifications.

7. Original Application is accordingly disposed of. No order as to costs.

**Sd/-**  
**(A.D Karanjakar)**  
**Member (J)**

**Sd/-**  
**(P.N Dixit)**  
**Vice-Chairman (A)**

**Place : Mumbai**  
**Date : 13.06.2019**  
**Dictation taken by : A.K. Nair.**