

**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Civil Writ Petition No. 6847/2023

1. Vandana Kanwar D/o Sh. Madan Singh Bhati, Aged About 26 Years, R/o Bhansar, PO Kharbara, Tehsil Chhattargarh, District Bikaner, (Roll No. 2318536).
2. Om Kanwar D/o Sh. Jagdish Singh, Aged About 28 Years, R/o UTT Qtr. Ramleela Medan Ke Pass, F.C.I. Godam Road, Indira Colony, District- Bikaner. (Roll No.1916708).
3. Manju Kanwar Rathor D/o Sh. Bhom Singh Rathor, Aged About 23 Years, R/o Village Birbana Pugal, District Bikaner. (Roll No.3246137).

----Petitioners

Versus

1. State Of Rajasthan, Through The Secretary, Forest Department, Govt. Of Rajasthan, Jaipur.
2. Rajasthan Staff Selection Board, Through Its Secretary, Rajya Krishi Prabhand Sansthan, Durgapura, Jaipur.

----Respondents

For Petitioner(s) : Mr. Amit Gour

For Respondent(s) : Mr. Digvijay Singh Jasol

JUSTICE DINESH MEHTA**Order****10/08/2023**

1. The petitioners have preferred the present writ petition, challenging the respondents' action of rejecting them on the parameters of Physical Standard Test (PST).
2. The facts relevant for the present purposes are that all three petitioners contested for the post of Forest Guard pursuant to recruitment notification dated 11.11.2020. Having cleared the written examination, when they appeared for Physical Standard



Test (PST), they were rejected on the parameters set by the respondents in relation to chest measurement, though they cleared Physical Efficiency Test.

3. As per the parameters laid down by the respondents, a female candidate was required to have the following measurement of her chest:-

"Normal – 79 cm, Expansion – 5 cm".

4. The petitioners approached this Court with an assertion that their measurement is more than the norms set by the respondents. Though medical report by any other Government Hospital had not been placed on record, yet believing the petitioners' assertion and considering the fact that in similar matters, indulgence has been granted, interim order was also passed in the instant case by a Coordinate Bench of this Court on 26.07.2023. Accordingly, All India Institute of Medical Sciences, Jodhpur was directed to constitute a Medical Board and take chest measurement of the petitioners.

5. Reports dated 28.07.2023 with regard to measurement of all three petitioners, have been sent by the All India Institute of Medical Sciences, Jodhpur, which indicate as under:-

Petitioner No.	Name	Chest Normal	Chest expanded
1.	Vandana Kanwar	76.3 cm	80.3 cm
2.	Om Kanwar	74.5 cm	76.6 cm
3.	Manju Kanwar Rathor	80.8 cm	82.1 cm

6. A perusal of the details given hereinabove clearly shows that the petitioner Nos.1 and 2 have chest measurement less than 79



cm and their expansion is also less than 5 cm, whereas chest size of petitioner No.3 is above the set norms, but her expansion was less than 5 cm.

7. All the petitioners have thus, failed to meet the parameters set by the respondents. This petition is thus, liable to be dismissed and is hereby dismissed. Stay petition also stands dismissed.

8. Apparently, there was no error in the assessment of the petitioners by the respondents, but this Court is unable to come over the shock, it got on seeing the parameters laid down by the respondents for ascertaining physical standards of women candidates. This Court cannot, but refrain from observing that the respondents' act of setting up chest measurement to be a criterion, particularly for female candidates, is absolutely arbitrary, rather outrageous to say the least. It is a clear dent on a lady's dignity and right of privacy guaranteed under Articles 14 and 21 of the Constitution of India.

9. The size of chest and its expansion in case of a female candidate may not necessarily be a pointer of physical fitness and litmus test of lungs' capacity. Even if it be so, such measurement impinges upon or intrude the privacy of a female. Apart from being irrational, prescribing such criterion disrupts the dignity, bodily autonomy and mental integrity of a woman.

10. The recruitment is over and all the candidates including the petitioners herein have subjected themselves to such test, hence, this Court would not disturb the recruitment which has taken place. But some deliberation or observation is necessary about the very requirement of chest measurement so far as female



candidates are concerned, may it be for the purpose of a recruitment of Forest Guard or Forester or any other post.

11. According to this Court, the size of a woman's chest is irrelevant for the purposes of determining her strength. The qualifying criteria is based on incorrect assumptions that having a minimum chest girth would ensure the physical fitness of a woman. The practice adopted, apart from lacking any scientific validity, is humiliating, derogatory and an affront to a woman's dignity. Considering that a candidate is otherwise required to clear Physical Efficiency Test, in which she has to jump 1.35 meters (Standing Broad Jump) and throw shot put (4 kg) to a distance of 4.5 meters, the condition of minimum chest circumference looks irrational and unwarranted.

12. It is informed that no such test is being provided for recruitment to the post of Police Constable in the case of female candidates.

13. Measuring expansion to determine lung capacity is understandable and can be accepted but prescribing a 'minimum chest circumference' is absolutely ludicrous and the same cannot be countenanced. For such purpose, there are modern tests available and if the respondents do not wish to resort to such methods, they can well ask the candidates to run for a particular distance, as is being done by the State in Police Constable recruitments.

14. This Court is perturbed by the lack of sensitivity exhibited by the administrative authorities while formulating the hiring policy/Rules. Not only does it appear to be scientifically unfounded, but also immodest. Furthermore, when the yardstick



of minimum chest size is not provided for other government jobs involving comparable or more physical activity (such as Police Constables), one does not see any rhyme or reason behind the criterion in question, particularly for female candidates.

15. A copy of this order be sent to the Chief Secretary; Secretary of the Forest Department and the Secretary of the Department of Personnel, Government of Rajasthan to have a relook at such criterion or relevant Rule. They may solicit experts' opinion to explore the possibility of alternative means to determine the desired level of lung capacity so as to ensure that unwarranted humiliation of women candidates is avoided.

(DINESH MEHTA),J

571-Ramesh/-