

WPA 17677 of 2026

Subir Chandra Dey
v.
Union of India & Ors.

Mr. Debasish Kundu
Ms. Doyel Dey
Mr. Bidan Modak
..... for the petitioner

Mr. Udayan Chakraborty, Sr. Adv.
Mr. Piyas Choudhury
..... for the respondents

1. Let affidavit-of-service, as filed in Court, be kept on record.
2. Leave as prayed for by Mr. Kundu, learned Advocate appearing for the petitioner, is granted.
3. The petitioner had participated in the recruitment process for constables (GD). He had qualified for the written examination and was thereafter called for the physical standard test (PST) and physical efficiency test (PET). He had scored sufficiently. At the time of measurement of the petitioner's height, he was initially found to be 169.4 cm. and on re-measurement he was found to be 169.9 cm. The benchmark parameter is 170 cm. However, in terms of Clause 2(d) infraction of 0.5cm. is required to be rounded off to the next available unit. Thus, 169.9cm. has to be rounded off to read 170cm.

4. This is contained in the guidelines itself. However, the petitioner's candidature was rejected on the ground that he did not meet the required height and was hence not qualified. The authorities had clearly not taken Clause 2(d) into consideration. The Hon'ble Apex Court in the case of ***Union of India & Ors. Vs. Atul Kumst Verma & Ors.*** in ***Civil Appeal No(s). 4423-4426/2026 SLP (C) Nos. 13390-13393/2026*** and ***Diary No. 68753/2025*** has already settled the controversy which has arisen in the present case.

5. As per decision of the Hon'ble Apex Court, a candidate, who participated in the process of recruitment for constables (GD) in the force and his height if found/measured as 169.5 cm. and above, then 0.5 cm. would have to be ignored and 169.5 cm. would have to be rounded off to the next full unit. Such candidate cannot be disqualified on the ground of less height, if he is 169.5 cm. or above.

6. In view of the aforestated findings and observations, the candidature of the petitioner ought to have been favourably considered and the rejection dated August 20, 2025, is set aside.

7. The authorities will consider the candidature of the petitioner and recommend him for appointment subject to the availability of the vacancies and upon

fulfilling all other eligibility criteria, including medical parameters upon medical examination.

8. It is expected that the entire process will be completed as expeditiously as possible.

9. With the aforestated directions, the writ petition is disposed of.

10. There will be no order as to costs.

11. Urgent photostat certified copy of the order, if applied for, be given to the parties upon usual undertakings.

(Reetobroto Kumar Mitra, J.)