

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14982 of 2015

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1. Arbind Kumar, son of Sri Ram Chandra Yadav, resident of Village Phulparas,
Post & P.S. Phulparas, District Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar through the Director General of Police, Govt. of Bihar, Patna.
2. The Principal Secretary, Home Department, Government of Bihar, Patna.
3. The Commandant, B.M.P.-7, Katihar.
4. The Central Selection Board (Constable Recruitment) through its Chairman, Sri Sai Tara Complex, IAS Colony Jawaharlal Nehru Marg, Patna.
5. The Chairman, Central Selection Board (Constable Recruitment), Sri Sai Tara Complex, I.A.S. Colony, Jawahar Lal Nehru Marg, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Lalan Kumar Singh
Mr. Pramod Kumar Singh
For the Respondent State: Mr. GP23- ANIL KUMAR
For the C.S.B.C. : Mr. Sanjay Pandey
Mr. Binod Kumar Mishra
Mr. Vivek Anand

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
ORAL JUDGMENT
Date: 17-12-2015

Petitioner filed the writ application when after his appointment on the post of a constable for BMP-7 at Katihar, he was “discharged” from duty on the ground that when his chest was re-measured by the authorities after joining, measurement was found deficient from the minimum required standard laid down for such recruitment.

As per Annexure-G, annexed with the counter affidavit of the Central Selection Board for Constable, the chest measurement of the petitioner thrown up a figure of 77-82 cm when the minimum requirement is 81-86 cm.

In the writ application petitioner has pleaded that this was done for extraneous reasons and it ought not to have been done because there was nothing

wrong with regard to the requirement at the time of his initial recruitment when the physical standard were verified by the authorities.

Since two different figures was thrown up due to different measurement done at two different times, the Court decided to refer the matter to the Chairman, Central Selection Board for Constables to conduct a fresh measurement of the petitioner's chest. The affidavit now filed on behalf of the Central Selection Board for Constables certifies that petitioner has the minimum eligibility.

The Court would not like to comment as to why such variations have happened. Obviously, there is something amiss somewhere. Care has to be taken that this kind of measurement is avoided in future.

Since petitioner was returned by the authority of Katihar on the basis of variation in the chest, petitioner's re-joining will be accepted and it will be treated as if petitioner has joined the service on the date, which is said to be 7.7.2015. He will not be treated as fresh appointee but as a continuity of the earlier exercise already undergone by the petitioner. However, he has to undergo training etc. in terms of the requirement.

Writ application is allowed in terms of the above.

(Ajay Kumar Tripathi, J)

R.K.Pathak/-

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