

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.24872 of 2013

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1. Naresh Ravidas son of Baleshwar Ravidas, resident of Village - Pachhiya Dih,
P.S. Mufasil, District - Nawada

.... Petitioner/s

Versus

1. The State of Bihar, through the Director General of Police, Bihar, Patna
2. The Deputy Inspector General, (Human Rights), Bihar, Patna
3. The Inspector General, Bihar Military Police (B.M.P.), Bihar, Patna
4. The Secretary, Kendriya Chayan Prasad (Sipahi Bharti), Back Harding Road,
Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. DURGESH NANDAN
For the Respondent State : Mr. Shailendra Kumar Jha, AC to AAG 13
For the Respondent CSBC : Mr. Sanjay Pandey
Mr. Binod Kumar Mishra

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 22-09-2015

Writ has been filed by the petitioner when he failed to get appointment on the post of a constable after having qualified in all other parameters, conducted by the Central Selection Board of Constables, Government of Bihar. What has come in the way of the petitioner is physical attribute in matters of measurement of his chest, unexpanded and expanded.

2. Respondents have filed a detailed counter affidavit. They have annexed the parameters as well as the methodology for measurement of height and chest of the candidates, the manner in which the Board is constituted as well as that every candidate on the outcome of such an exercise has also to put his signature as a proof thereof.

3. In the present case, respondents have annexed Annexure-D, which is the chart indicating the outcome of the measurement of the chest of the petitioner, unexpanded and expanded. The record indicates the unexpanded chest measurement to be 77.0 and expanded to be 82.0. The result column indicates “fail” and petitioner has signed in both the columns as a proof thereof.

4. For record, it must be noted that the requirement for the SC candidate is supposed to be 79 and 84.

5. The petitioner immediately filed an appeal and he has been re-measured by the appellate board. The re-measurement showed his chest to be 75 – 80 cm. It is in this view of the matter that the claim of the petitioner for appointment did not fructify.

6. Learned counsel representing the petitioner insinuates that there cannot be such a variance in measurement and re-measurement cannot indicate a lower size of the chest than what was initially measured and all this has been done for a reason.

7. The result of measurement done by the board was before the petitioner. He had put his signature as a proof of the outcome of measurement exercise and now he cannot be permitted to resile from the same by pointing an accusing finger for which there is neither a pleading nor evidence thereof.

8. The modality, the format and the amendment to the Police Manual was brought about, keeping in mind the allegations which were made against selection carried out by the board. The changes have been

brought about with the object of bringing transparency in such selection and keeping the process as objective as possible. There will be cases where not every candidate can cross the threshold on one parameter or the other and they will surely approach the Court with all kinds of allegations more made than made out.

9. The facts being such and the measurement having been done twice over, this Court is not willing to exercise its discretion and open a flood gate by giving any direction for any kind of re-measurement over and above the exercise which was done by the board or the appellate board.

10. The Court is satisfied that the reason for non-selection of the petitioner is not attributable to the respondents but is due to failure on the part of the petitioner to meet the physical requirement on at least one parameter.

11. Writ application stands dismissed.

(Ajay Kumar Tripathi, J)

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