

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3852 of 2015

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Santosh Kumar Ram S/O Sri Bhim Raj Ram Resident of Village- Sikariya,
P.S.- Tiyear,, District- Bhojpur, Bihar.

.... Petitioner

Versus

1. The Union of India through the Secretary Ministry of Home Affairs, Govt. of India, New Delhi.
2. The Staff Selection Commission (Central Region), Allahabad through its Secretary at Allahabad, U.P.).
3. The Regional Recruitment Board V, 121 BN. S.S.B., Kishanganj, Bihar for PET and PST for appointment of Constable in CAPFs for the Year 2013-14.
4. The Chairman 21/C R.R.B. V, BN. S.S.B. Kishanganj, Bihar.
5. The D.G. (Sashtra Seema Bal) S.S.B. New Delhi.
6. The I.G.S.S.B. Bihar Region, Patna.

.... Respondents

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Appearance :

For the Petitioner/s : Dr. Mayanand Jha
Mr. Uday Kumar, Adv.
For the Respondent/s : Mr. Sanjay Kumar(ASG)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL JUDGMENT

2 17-03-2015 Heard learned counsel for the parties.

The prayer of the petitioner in this writ application reads
as follows:

“For setting aside the decision of R.R.B. V of Sashtra Seema Bal (S.S.B.), Kishanganj, Bihar meant for conducting physical Efficiency Test (PET) and Physical Standard Test (PST) for appointment of Constable (G.D.) in Central Arm Police Forces (C.A.P.Fs) for the year 2013-14 whereby, the petitioner has been shown as not qualified although he has the got the requisite height and also ran the required distance within the stipulated time and further to direct the respondents to appoint the petitioner as a Constable in C.A.P.F. as his position is

quite high in the merit list of the candidates who cleared the other tests-written and physical.”

Dr. Mayanand Jha, learned counsel for the petitioner, submits that the concerned authorities of the Central Armed Police Force holding selection for the post of Constable have committed a grave error in disqualifying the petitioner on the basis of height as also on the basis of physical test relating to height bar test or 5K.M./1.6 K.M.run. In this regard he has pointed out on the basis of entries made in the test report, as contained in Annexure 5, that even when the height of the petitioner was shown to be 173.2 cm. as against the prescribed standard of 170 cm. the result of physical test in respect of height has been shown to be ‘not qualified’. He has shown the column final result Sl.No.(i) and (ii) to point out that similarly the petitioner’s result in the height bar test and 5K.M./1.6 K.M. run was shown to be ‘not qualified’ even when the petitioner had completed both the tests satisfactorily.

Learned counsel for the respondents, on the other hand, has submitted that from column No.10 it would be clear that the petitioner was not disqualified on the ground of physical standard which would include height and therefore, it is not correct for the petitioner to assume that he has been held to be disqualified on the ground of his height. He further explains that so far the prescribed

norms of height bar test/ distant running is concerned i.e. test on the performance of the candidate and for which no judicial review will be available.

In the considered opinion of this Court the learned counsel for the respondents is correct that the petitioner has not been disqualified on physical standard i.e. his height test, measurement etc. It is only the performance of the petitioner in the height bar test or distant running in which he has been held to be disqualified. The Question would be if such a result has been recorded by the three members of the Board how could this Court thereafter make a review as an appellate authority laying down the standard of physical test either by way of height bar test or distant running which cannot be made subject matter of judicial review especially when there is no allegation of any malafide against the members of the Selection Committee. Normally rule followed by the alleging authority in police force/ Army is that certain prescribed norms has to be achieved as a minimum qualifying bench mark.

This Court, therefore, will have nothing on record to interfere with such subjected satisfaction recorded on the basis of physical test. It is not the case of the petitioner that such physical test was not held and at the time of holding of physical test no one had animus to disqualify him. At the end of the day if the Court

starts interfering with the result of physical test i.e. distance running etc. the selection can never be made to the satisfaction of the authority. The Courts in such cases relating to appointment in discipline force will have to always maintain this part of extra vigil.

That being so, this Court does not find any merit in this application. It is, accordingly, dismissed.

(Mihir Kumar Jha, J)

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