

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 21287 of 2014

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Chandan Kumar Son of Late Pramod Kumar, Resident of Village - Sabji Bazar,
Machhligali, P.S.- Bihta, District- Patna.

.... Petitioner/s

Versus

1. The Union of India
2. Deputy Inspector General of Police, Central Reserve Police Force, Group Kendra Allahabad
3. Deputy Inspector General, C.R.P.F, Gomati Nagar, Lucknow, U.P.
4. Deputy Inspector General of Police, Bihar Sector C.R.P.F., Ashiana Digha Road, Rajeev Nagar, Patna.
5. Police In-charge C.R.P.F., Mokama Ghat, Patna.

.... Respondent/s

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For the Petitioner/s : M/s Shambhu Pd & Shailendra Kr, Advocates
For the Respondent/s : Mr Anjani Kr Sharan, ASG

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 26-06-2018

Heard learned counsel for the petitioner and the
respondent-Union of India.

2 The writ petition has been filed seeking direction upon the respondent-authorities for appointment of the petitioner on compassionate ground in view of the death of the petitioner's father on 28.08.2009 from the post of Constable in the respondent-organization. The records reveal that the petitioner originally applied for the post of Typist wherein in the year, 2010 itself, he was not found fit as he did not possess the required typing speed. His case was again considered for the post of Constable/General Duty (*CT/GD* for short) in which he was held to be disqualified as he could not complete the requisite qualification of high jump. Thereafter, on third time, after condoning the requisite qualification of high jump



requirement, he was again considered for appointment and was rejected by order dated 18.10.2013 issued under the signature of Deputy Inspector General of Police, Group Centre, Central Reserve Police Force, Allahabad. The order of rejection records that as per the standard laid down, the petitioner is short by 9 cms of requisite height. It further records that the issue was sent to the Home Ministry for grant of relaxation whereas the Home Ministry has not recommended his case for relaxation of height short by 9 cms.

3 Learned counsel for the respondent-Union of India has submitted that when such relaxation is required, the respondent-authority do not usually make a recommendation since the recruitment is for Constable which is meant for combat duty, performance of which is directly linked with the physical standards of the applicant.

4 The height has been found to be short by 9 cms in terms of Standing Order No 5 of 2001 of the Force.

5 This Court would notice that the rejection has not been challenged in the writ petition. Merely a direction has been sought for appointment of the petitioner on compassionate ground without challenging the order of rejection dated 18.10.2013. The reasons assigned in the impugned order of rejection dated 18.10.2013, in absence of any challenge, on any specific grounds cannot be enquired into by this Court in the instant proceedings. Since the order dated 18.10.2013 rejecting petitioner's claim for compassionate



appointment has not been challenged, in other words, since he has accepted the order dated 18.10.2013 rejecting his claim, the prayer made by the petitioner seeking a direction from this Court to appoint him on compassionate grounds is not maintainable and is barred by the principles of acquiescence, waiver and estoppel.

6 The writ petition is devoid of any merit and the same is dismissed.

(Madhuresh Prasad, J)

M.E.H./-

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Transmission Date	

