

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11296 of 2001

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Prem Lal Kumar, son of Sri Basudeo Prasad Yadav of Village Sitawaha, P.O. Salkhua Bazar, P.S. Salkhua, Dist. Saharsa.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The D.G. cum I.G. of Police, Bihar, Patna.
3. The D.I.G. of Police (Administration), Bihar, Patna.
4. The D.I.G. of Police, Magadh Range, Gaya.
5. The S.P. Nawada Sri G.S. Gangawar cum Chairman C.S.C. Gaya.
6. The S.P. Gaya cum Member C.S.C., Gaya.
7. Manoj Kumar, C/o S.P., Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sanjiv Kumar, Adv.
		Mr. Ram Hirday Prasad, Adv.
For the Respondent/s	:	Mr. Prabhat Kumar, AC to GA XI

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL JUDGMENT

Date : 13-03-2018

Heard learned counsel for the parties.

The petitioner is seeking relief of giving direction to the respondents to appoint the petitioner on the post of Constable in Magadh Range with all consequential benefits.

It has been submitted that in the first round of physical test, the height and chest of the petitioner was examined as 175 CM and 84 CM respectively whereas the fact is that the height of the petitioner was 177.5 CM. So the ground of disqualification is not sustainable in law as he has more height than the requisite height for appointment on the post of Constable. Further he has submitted that the petitioner had requested the D.I.G. for re-measurement of his height, the re-measurement of the petitioner was done and his height was found to be 176.80 CM but, the persons below his



height, in the backward community, having height of 176.50 CM having been appointed whereas the petitioner has been deprived.

Learned counsel for the State has submitted that as per rule, the petitioner was required to make a request for re-measurement within a period of three days which the petitioner has failed and the D.I.G. has no jurisdiction or business to decide unilaterally for re-measurement of the height of the petitioner and there it was found that the earlier recording of height was completely wrong and not sustainable in law.

Having considered the rival contentions of the parties, the petitioner, at the time of filing of the present writ application was aged about 26 years, calculating the period as on today, now his age is 46 years. Inasmuch as, when the wrong measurement was made, he was required to rush to the authority concerned immediately for re-measurement of his height. After lapse of such a long period of time, it will not be proper to entertain this writ application.

Accordingly, this writ application is dismissed.

(Shivaji Pandey, J)

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AFR/NAFR	NAFR
CAV DATE	NA
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