

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13639 of 2010

=====

MUNNA SETH S/O LATE ANIL PANDEY VILL.- MAKHDUMPUR, P.O.-
BARI PATHNA, P.S.- ISLAMPUR, DISTT.- PATNA ... Petitioner

Versus

1. THE STATE OF BIHAR THROUGH THE CHIEF SECRETARY GOVT. OF BIHAR, PATNA
 2. THE D.G. CUM I.G. OF POLICE, BIHAR, PATNA
 3. THE I.G. OF POLICE CUM CHAIRMAN CENTRAL SELECTION COMMITTEE, BACK HARDIN ROAD, PATNA-1
 4. THE D.I.G. OF POLICE, CENTRAL RANGE, PATNA
 5. THE S.P., NALANDA
 6. THE MEMBER, CENTRAL SELECTION COMMITTEE, BACK HARDING ROAD, PATNA-1 ... Respondents
- =====

Appearance :

For the Petitioner	:	Mr. Sanjiv Kumar, Adv.
For the State	:	Mr. Ajay Kumar Sharma, AC to AG
For the CSBC	:	M/s Sanjay Pandey, Vivek Anand Amitesh & Binod Kumar Mishra, Adv.

=====

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

3 03-04-2018

Heard the learned counsel for the petitioner and the learned counsel appearing for the State.

In this case the petitioner has raised the grievance that he has qualified in written test and in the physical test on the ground of height, his candidature has been rejected recording the height as 161.5 cm. When he examined himself by In-Charge, Medical Officer, Primary Health Center, Hilsa he has recorded the height as 165 cm. The height of human does not vary from time to time, the Commission has recorded the height is 161.5 cm today whereas In-Charge Medical Officer has recorded 165 cm. The petitioner is only raising grievance of wrong recording of the height.

Plea has been taken by the Commission that he could have filed an appeal then and there itself, which he has not done, but, after



that he has filed application, has no value in the eye of law. The learned counsel for the State further submits that subsequently on many occasions selection has been done on different years, but, then the question is that, would the petitioner be deprived of his demand of re-measurement of his height, if really his height was wrongly recorded during selection, in such circumstance rightful claim can not be suppressed.

In such view of the matter, it is directed that the petitioner's height should be re-measured. This Court directs the Chairman, Central Selection Committee of Constable to re-measure the height of the petitioner and if it is found that in fact his height is 165 cm, then, it goes without saying that the petitioner would also be entitled for his selection/appointment. For convenience the petitioner is directed to file representation to the Chairman, Central Selection Committee of Constable, along with this order, who shall be obliged to conduct the re-measurement of the height of the petitioner.

With these observation, this application is **disposed off**.

All the processes should be completed within the period of eight weeks from the date of receipt/production of this order.

(Shivaji Pandey, J)

Shamshad/-

U			
---	--	--	--

