

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8907 of 2015

Kalpana Kumari

... .. Petitioner/s

Versus

The State Of Bihar and Ors

... .. Respondent/s

Appearance :

For the Petitioner	:	Mr. Awadhesh Kumar Mishra with Mr. Shivpujan Sahay, Advocates
For C.S.B.C.	:	Mr. Sanjay Pandey with Mr. Binod Kumar Mishra with Mr. Vivek Anand Amritesh, Advocates
For the State	:	Mr. Anuj Kumar, AC to SC-12

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 11-09-2019 The petitioner has approached this court with prayer for redetermination of the petitioner's height alleging that her height has wrongly been measured. The petitioner's claim for appointment on the post of constable pursuant to Advertisement No. 01 of 2014 has been wrongly rejected.

The aforesaid submissions are in the background of the facts that the petitioner has also availed a remedy of appeal before the Chairman, Central Selection Board of Constable and reassessment of her height was done. The State Counsel refers to the decision of Division Bench in the case of Ritu Kumar v/s The State of Bihar and Ors. Passed in L.P.A. No. 895 of 2014. The Division Bench in the said judgment has observed as follows :-

“What is the height of the petitioner-appellant
and whether her height is of required standard or not are



questions of fact and have to be decided by recording evidence.

Logically, therefore, a writ petition is not an appropriate course of remedy in the context of the facts of the present case.

While, therefore, maintaining the order, dated 22.04.2014, passed in C.W.J.C. No. 1620 of 2014, we make it clear that it would remain open to the petitioner-appellant to challenge the findings, with regard to her height, in a civil court of competent jurisdiction and seek necessary remedy for her grievances.

With the above observations and directions, this appeal shall stand dispose of.

If a suit is filed by the petitioner-appellant, the civil court shall deal with the suit expeditiously and dispose of the same, preferably, within a period of six months from the date of institution of the suit.”

From the aforesaid facts and having regard to the judgment of the division bench in LPA. No. 895 of 2014, the petitioner has no legal claim for exercise of Jurisdiction under Article 226 of Constitution of India.

The writ petition is dismissed.

(Madhuresh Prasad, J)

Rajeev Kumar/-

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