

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8378 of 2019

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Sushma Kumari Wife of Rajesh Kumar@ Rajesh Kumar Choudhary, Resident of Village- Giriyak, P.O. Giriyak, P.S. Giriyak, District- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Home(Police), Government of Bihar, Patna.
2. The Secretary, Bihar Police Subordinate Service Commission, Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Ms. Archana Mishra Mr.Naresh Prasad
For the State	:	Mr. Pawan Kumar, AC to AG
For BPSC		Mr. Sanjay Pandey

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 18-07-2019 Heard counsel for the petitioner and counsel for the respondents-State.

Petitioner has appeared in the process of selection for the post of Sub-Inspector pursuant to Advertisement no. 01 issued in the year 2017. Having cleared written examination, she was subjected to physical test. Her height was to be 159 cm, which was below requisite of 160 cm for woman category for which petitioner had applied. She has approached this court with a prayer to direct the authorities to remeasure her height as she has 161.5 cm in height. She is aggrieved by rejection of her claim by the Public Complaint Redressal Officer, Home Department, Bihar, Patna.

Claim of the petitioner for her re-measurement has been filed in April, 2018. She participated in the process of selection and



subjected to physical verification in September, 2018 itself.

Counsel for the respondents informs that recommendation pursuant to said advertisement has already been submitted on 17.03.2019 and the petitioner's claim suffers from delay and laches. Filing petition before Public Complaint Redressal Officer cannot be made basis of explaining the delay for approaching this court. He further submits that petitioner had availed remedy of appeal and her height as a result of appeal was re-measured in presence of the Chairman of the Commission and there she was found to be 159.5 cm.

Reason assigned by the respondent-authorities appears to be correct. Her claim apart from being barred by delay, laches and also suffers from the fact that earlier she had availed opportunity before the Chairman regarding which no averment has been made in the writ petition. Copy of appeal of the petitioner and decision thereupon supplied by respondents dated 25.09.2018 is kept on record.

Writ petition stands dismissed.

(Madhuresh Prasad, J)

s.hassan/-

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