

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7276 of 2012

=====

VISHAL KUMAR SINGH S/O Sri Raj Kishore Singh R/O Village- Aroua,
P.O.- Dularpur, Police Station- Udwananagar, District- Bhojpur

... .. Petitioner

Versus

1. The Union Of India through the Secretary, Ministry Of Home Affairs, New Delhi
2. Inspector General Central Industrial Security Force Csf, Eastern Zone, Hqrs, New P.P. Colony, Boring Road, Patna-13
3. D.I.G., Central Industrial Security Force Csf Eastern Zone, Hqrs, New P.P. Colony, Boring Road, Patna-13
4. Commandant, Central Industrial Security Force Eastern Zone, Hqrs, New P.P. Colony, Boring Road, Patna-13
5. D.I.G., C.I.S.F. Unit, Rsp, Rourkela, P.O.- Rourkela, District- Sundargarh Orissa

... .. Respondents

=====

Appearance :

For the Petitioner/s : Mr.Rama Kant Singh
For the Respondent/s : Mr.N.A. Shamsi Asgi

=====

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 16-10-2019 Counsel for the petitioner submits that petitioner's result was declared provisionally as qualified for selection as a Constable. Thereafter he has been disqualified on account of height being 0.7 cm less than the requisite height of 170 cm. The assessment was assailed by the petitioner and the supervisor Deputy Inspector General of Bihar of the unit remeasured height of the petitioner. This time the height was found 0.5 cm less than the requisite height of 170 cm. It is submitted that height of the petitioner cannot change and therefore the court should direct for reassessment of the height at the cost of the petitioner as the two results at different time as regards



height renders the assessment to be doubtful.

This Court would consider decision of the Division Bench in the case of *Ritu Kumari vs. State of Bihar & ors* arising out of *LPA No. 895 of 2014*. The observations of the Division Bench laid down the scope for interference in such matters in jurisdiction under Article 226 of the Constitution of India. The relevant extract of the judgment is being reproduced:-

“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.”

In view of the settled position of law emerging from the decision of the Division Bench, this Court would refrain from interfering with the disputed issue of fact regarding height of the petitioner and whether the same is as per the required standard or not. The court however would leave it to the petitioner to challenge the findings with regard to his height in the civil court of competent jurisdiction and seek remedy for his grievances.

The writ petition is disposed of with the observations and liberty indicated herein above.

SNkumar/-

U			
---	--	--	--

(Madhuresh Prasad, J)

