

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22673 of 2019

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1. Ramanand Kumar Son of Hari Narayan Singh, Resident of Village- Piprakhurd, P.S.Bhaptiyahi, P.O. Bishanpur, District- Supaul, Pin Code- 852105
 2. Shravan Kumar Son of Kishundev Choudhary, Resident of Village- Amarpur, P.S. Sonbarsa, P.O. Amarpur, District- Saharsa, Pin Code- 852201
 3. Amod Kumar Son of Shyam Kumar, Resident of Village- Padampur, P.S. Bihra, P.O. Khadipur, District- Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Director General of Police, Bihar, Patna.
3. The Additional Chief Secretary Home Department (Constable Branch), Bihar, Patna.
4. The Additional Chief Secretary, Environment, Forest and Climate Revolution Department, Bihar, Patna.
5. The Principal Chief Forest Custodian, Bihar, Patna.
6. The Chairman, Central Selection Board, (Constable Recruitment), Bihar Sardar Patel Bhawan Sixth Floor, Block- A/626, Jawahar Lal Nehru Marg, Patna- 23

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Mrityunjay Kumar
For the Respondent/s : Mr. H.S. Sundaram, AC to SC 8

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 20-01-2020 Heard counsel for the petitioners and counsel for the respondents-State.

Petitioners have participated in the process of selection for appointment of constable forest guard.

Petitioner nos. 1 and 3 as per submission of counsel for the petitioners were required to possess minimum height of 1.65 c.m. Petitioner no.2 being scheduled caste candidate was



required to possess minimum height of 1.60 c.m.

Petitioners' counsel submits that all petitioners were having height greater than what was required and they were entitled to be selected for the post.

It is submission of counsel for the petitioners that measurement was not in accordance with law and as such they have been shown as lesser than requisite height. It is submitted that this court should direct for appointment of the petitioners after re-measurement.

Substance is that there is variance in determination of correct height of the petitioners.

Division Bench of this court in the case of Ritu Kumari vs. State of Bihar & others in LPA No. 895 of 2014 while considering the similar claim for re-measurement in the process of selection 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”.

In view of observations of the Division Bench, this court is not inclined to go into disputed question of fact. However, it is evident from the pleadings that no specific



malafide has been alleged as selection process was conducted by many persons at various stages.

Circumstances therefore, are not such that this court should issue a direction for re-measurement. Moreover, in view of the fact that the petitioners' counsel on specific query has not been able to point out either from advertisement or terms of selection that there was any provision of re-measurement.

Writ petition is devoid of merit and the same is dismissed.

(Madhuresh Prasad, J)

s.hassan/-

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