

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2726 of 2020

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Musafir Yadav son of Sree Yadav Resident of Village- Rampur, P. O. and P.S.-
Bodh Gaya, District- Gaya.

... .. Petitioner

Versus

1. The Union of India through the Secretary, Ministry of Defense Services,
Government of India, New Delhi.
2. The Commander, Indian Navy, New Delhi.
3. The Secretary, Indian Navy, New Delhi.
4. The Commanding Officer, DMPR, Indian Navy, Sena Bhawan, New Delhi.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr. Vijay Kumar Singh, Advt.
For the U.O.I. : Ms. Kanak Verma CGC

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 26-02-2020 Heard learned counsel for petitioner and learned
counsel for the Union of India.

The son of the petitioner, who is a candidate in the
process of selection for appointment to the post of Sailor (AA),
Sailor (SSR), his candidature has been rejected on the ground
of his height being less than the requisite height. The
petitioner's son has been measured as 156 cm.

The father has approached this Court submitting that
the height of his son should have been measured as 161 cm as
that was his height. Since the son of petitioner has not attained
majority, the writ application has been filed by him making the
aforesaid assertions.



The learned counsel submits that if the re-measurement is done, the correct height can be ascertained and the son of the petitioner can be given his legitimate due.

Principles for exercise of the writ jurisdiction in matters relating to the disputed height in the process of selection is now decided by Division Bench of this Court in LPA No. 895 of 2014. The relevant portion of the said order 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 legal position, this Court would refuse to exercise jurisdiction in the matter raised in the writ petition.

The writ petition is dismissed.

(Madhuresh Prasad, J)

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