

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.18695 of 2018

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1. Bharti Kumari Chauhan Daughter of Nagendra Prasad, Resident of Village/Mohallah- Konhawa, P.O. Pasrama, P.S. Gopalganj, District- Gopalganj (Bihar).
 2. Pooja Kumari Daughter of Parma Ray Resident of Village/ Mohallah- Narayanpur, P.O. Rahampur, P.S. Garkha, District- Saran, Bihar.
 3. Yshoda Kumari Wife of Brajesh Kumar Resident of Village/ Mohallah- Thebhay, P.O. Kolwara, P.S. Parbatta, District- Khagaria, Pin Code- 851216 (Bihar).
 4. Pinkal Kumari Daughter of Niranjana Prasad Resident of Village/Mohalla- Chhoti Tengraila, P.O. Amarpura, P.S. Naubatpur, District- Patna, Bihar.
 5. Arti Kumari Daughter of Ram Baran Singh Resident of Village/Mohalla- Adhaura, P.O. Adhaura, P.S. Adhaura, District- Kaimur (Bihar).
 6. Khushboo Nisha Daughter of Md. Nasir Ansari Resident of Village/ Mohallah- Kursela Basti, P.O.- Ayodhyaganj Bazar, P.S. Kursela, District- Katihar, Pin Code- 854101 (Bihar).
 7. Roni Verma Daughter of Vijay Kumar Verma Resident of Village/Mohalla- Abbu Mahammadpur, P.O.- Bakhtiyarpur, P.S. Bakhtiyarpur, District- Patna, Pin Code- 803212 (Bihar).
 8. Sharda Kumari Daughter of Rajeshwar Singh Resident of Village/Mohalla- Dilshadpur, P.O. Huleshara, P.S. Bhagwapur Hat, District- Siwan, Pin Code- 841408 (Bihar).

... .. Petitioners

Versus

1. The State Of Bihar through the Principal Secretary, Home (Police) Department, Government of Bihar, Patna.
2. Principal Secretary, Home (Police) Department, Government of Bihar, Patna.
3. Director General of Police, Government of Bihar, Old Secretariat, Patna.
4. Central Selection Board (Constable Appointment), Sri Tara Complex, I.A.S. Colony, Jawaharlal Nehru Marg, Patna- 801503 (Bihar) through its Chairman.
5. Chairman, Central Selection Board (Constable Appointment), Sri Sai Tara Complex, I.A.S. Colony, Jawaharlal Nehru Marg, Patna- 801503 (Bihar).
6. Superintendent of Police, Rohtas.

... .. Respondents



Appearance :

For the Petitioners : Mr. Raju Giri, Advocate
For the Respondents : Mr. Sanjay Pandey, AC to SC-8

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL JUDGMENT
Date : 16-08-2021

I.A. No. 01 of 2021

Heard learned counsel for the petitioners and learned counsel for the respondents through video conference.

2. Learned counsel for the petitioners submits that the order dated 25.07.2018 has been brought on record by the respondents by way of Annexure-E to the counter affidavit and was not available to the petitioners prior thereto.

3. Learned counsel for the respondents has not raised any serious objection to the prayer of the petitioners for amendment of the writ petition.

4. For the reasons stated in the interlocutory application, the prayer for amendment of the writ petition is allowed and the I.A. shall be treated as part of the writ petition.

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5. At the outset and after some arguments, learned counsel for the petitioners seeks permission to withdraw the writ petition on behalf of petitioner no. 1.



6. Permission is accorded. The writ petition insofar as petitioner no. 1 is concerned, stands dismissed as withdrawn.

7. The following reliefs as formulated by the petitioner nos. 2 to 8 have been claimed in the writ petition -

"I. To issue an appropriate writ/order/direction in the nature of mandamus commanding the respondents to allow the petitioners to join as Constable in Bihar Police on their selection made pursuant to the Advertisement No. 01 of 2017 issued by the Central Selection Board (Constable Appointment) on 29.07.2017.

II. To issue an appropriate writ/order/direction in the nature of mandamus commanding the respondents to re-measure the heights of the petitioners if at all required by electronic device in the manner it was done at the time of selection.

III. Any other relief or reliefs for which the petitioner is found to be entitled in the facts and circumstances of the case."

8. The short facts of the case according to the petitioner nos. 2 to 8 are that pursuant to an Advertisement No. 01 of 2017 issued by the Central Selection Board (Constable Appointment) on 29.07.2017, they applied for appointment as constables in Bihar Police, Bihar Military Police etc. and were issued admit cards. One of the conditions in the advertisement required women candidates



to be of minimum height of 155 cm. Upon participation in the selection process, they were declared successful and found place in the merit list issued in June, 2018. When these petitioners went to submit their joining in August, 2018, their height was re-measured and they were denied joining on the pretext that their height was short of the minimum requisite.

9. Learned counsel for the petitioner nos. 2 to 8 submits that the petitioners have wrongly been denied their joining and the re-measurement is not reliable. He draws support from the fact that pursuant to a similar subsequent advertisement issued in the year 2019 which also required the minimum height of women candidates to be 155 cm, the petitioner no. 1 who had similarly been denied her joining under the 2017 advertisement on the same ground, was found to fulfill the criteria of minimum height of 155 cm. and was appointed as such. It is therefore submitted that the said agency has erroneously made different measurements at different points of time.

10. Learned counsel for the respondents appears and has been heard. It is stated that after the initial measurement, the height of the petitioners was measured for the second time during joining at Rohtas District, when their height was found to be below the minimum requisite. On the direction of the Central Selection Board (Constable Appointment), fresh measurement was done, the third time, and yet again it was found that the petitioners were



below the minimum height. It is therefore submitted that on two successive occasions when measurement was taken, the petitioners did not qualify and as such they have rightly been denied appointment. It is submitted that as far as the petitioner no. 1 is concerned, it may not be a case of erroneous measurement; rather she may have grown in height considering the time which had elapsed between the two selection processes, the first in the year 2017 and the second in the year 2019.

11. In reply, learned counsel for the petitioners submits that even between the second and third measurements there is difference in height measurements of several other candidates. Some of them had been found to be below the minimum height requirement in the second measurement whereas they have been shown as 155 cm. in height in the third measurement, such as the candidates at serial nos. 5, 6, 7, 9, 11 and 13 (Annexure-D).

12. Having heard the parties and on a consideration of the materials on record, this Court is of the view that the ends of justice will be met by granting liberty to the petitioner nos. 2 to 8 to file a representation before the Central Selection Board (Constable Appointment) (respondent no. 4) for redressal of their grievances. If any such representation is filed within a period of three weeks from today, the same shall be considered and disposed of on its own merits in accordance with law and after grant of an opportunity of hearing to the petitioner nos. 2 to 8, expeditiously and in any event



preferably within a further period of twelve weeks thereafter. To facilitate disposal, the petitioners shall furnish their mobile numbers and e-mail IDs to the respondent no. 4 within a week from today.

13. The writ petition stands disposed of.

14. It is made clear that in view of the ongoing Covid-19 pandemic, any correspondence between the parties may be made through e-mail and the petitioner nos. 2 to 8 shall be at liberty to request for hearing through video conference.

(Vikash Jain, J)

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AFR/NAFR	NAFR
CAV DATE	N.A.
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