

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.945 of 2019

In
Civil Writ Jurisdiction Case No.8378 of 2019

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

...Petitioner ... Appellant/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

... Respondents ... Respondent/s

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Appearance :

For the Appellant/s : Mr. Naresh Prasad, Advocate
For the Respondent/s : Mr. A.C. to A.G.

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

Date : 23-02-2021

Heard the parties.

Aggrieved by the judgment and order dated 18.07.2019
passed in C.W.J.C. No.8378/2019 passed by learned Single
Judge of this Court dismissing the writ petition, the appellant
has preferred this appeal.

Appellant has filed writ petition for direction to
respondent authorities to re-measure her height for recruitment
on the post of Sub-Inspector in Bihar Police pursuant to
advertisement No. 01/17.

Appellant had passed the preliminary examination as



well as main examination and was asked to appear in physical examination on 25.9.1998 and in physical test, her height was measured as 159 cm. and in appeal, same was re-measured as 159.5 cm. before the Chairman of the Board, as such, height of appellant was measured twice but she was not found eligible in her category and hence could not be selected.

The learned Single Judge has dismissed the writ petition as recommendation pursuant to said advertisement was already submitted on 17.3.2019, as such, claim of the petitioner suffers from delay and laches. The learned Single Judge has further observed that petitioner had availed opportunity by filing appeal before the Chairman and same has been concealed in the writ petition. The operative part of the order, as impugned, reads as follows:-

“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.”

This Court does not find any error or infirmity in the order passed by learned Single Judge and, accordingly, this LPA is dismissed.

(Sanjay Karol, CJ)

(S. Kumar, J)

Sanjay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	16.03.2021
Transmission Date	NA

