

11.02.2021

Ct. No.13

Sl. No.23

akd

W.P.A. 1301 of 2021 [via video conference]

[Somen Das -Vs- Union of India & Ors.]

Mr. S. K. Datta

Mr. Barun Chatterjee

... .. for the petitioner

Mr. Rajdeep Biswas

Ms. Jayita Dhar

... for respondent nos.1 to 4

The writ petitioner participated in the process of selection to the post of Constable (GD) in the CAPF for the year 2018. He qualified at all stages except in the Physical Standard Test (PST). The petitioner was found to be 169.5 cms. in height against the minimum requirement of 170 cms. The petitioner was also found higher than the basic requirement for chest i.e. 83-85 cms. as opposed to 80-85 cms. Admittedly, if the petitioner's chest measurement is infact 83 cms., the expanded measurement should, therefore, read 88 cms.

The petitioner relies upon the result of his physical measurements recorded in the same recruitment process conducted for the year 2015-16 where his height was measured and recorded as 171 cms. He also relies upon the admit card issued by the ITBP for the post of Animal Transporter where his chest measurement was stated to be normal i.e. 83.3-89.4 cms.

In these circumstances, this Court is of the view that the matter should be remanded back to the PST PET, CRPF to take measurements of the petitioner's height and chest once again uninfluenced by any earlier measurement.

Let the aforesaid process be completed within seven days from the date of receipt of a copy of this order. The final result be communicated to the petitioner immediately upon completion of measurements.

Needless to mention that in the event the petitioner's measurements are found within the permissible limits, the authorities may go ahead with the rest of the process of recruitment in accordance with law.

This Court has been informed by the learned counsel for the respondents that the selection process is over and the final list has been published on January 21, 2021. Since the petitioner has been able to make out a case for reconsideration, the authorities are directed to act in terms of the aforesaid.

With the aforesaid observations, the writ petition is disposed of.

The original documents as directed in the order dated February 05, 2021 have been produced by the IGP, WBS, CRPF, Kolkata under the cover of the letter dated 08.02.2021. The same have been perused and returned to the learned counsel for the CRPF.

There shall be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Rajasekhar Mantha, J.)