

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 16919 of 2018

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Annu Kumari D/o Kamal Kishore Sah, Resident of Village- Nauranga, P.S. Chautham, District- Khagaria.

... .. Petitioner/s

Versus

1. The State Of Bihar through Director General of Police, Old Secretariat, Patna
2. The Central Selection Board for Constable, Patna.
3. The Senior Superintendent of Police, Bhagalpur.
4. The Deputy Superintendent of Police, Bhagalpur.
5. The Sergeant Major of Police, Bhagalpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr Chitranjan Sinha, Sr Advocate with Mr Vijay Anand, Advocate
For the S t a t e	:	Mr Sheo Shankar Prasad, SC VIII Mr Sanjay Kumar, AC to SC VIII
For the B o a r d	:	M/s Sanjay Pandey, Binod Kr Mishra, Vivek Anand Amritesh, Advocates

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

4 19-07-2022 Heard learned counsel for the petitioner and the respondents.

On three different occasions, the measurement of petitioner's height has varied in the course of selection, but has consistently failed to meet the requisite height. The petitioner had participated for selection as Constable, in the process being conducted by the Central Selection Board for Constable (for brevity, *the Board*) pursuant to Advertisement No 1 of 2017.

Learned senior counsel appearing on behalf of the



petitioner submits that, variation in the height being recorded at three different stages, is suggestive of the inaccuracy in the measurement and, therefore, this Court should direct the authorities to make a final and conclusive measurement with the aid of Medical Board.

Learned counsel for the Respondent-Board submits that minor variations, which have occurred, cannot enure to the petitioner's benefit. The petitioner, inspite of three re-measurements, has consistently been found below the minimum height criteria of selection for Constable. There is no allegation of any mala fide against any person in the process of selection. Apart from that in view of the fact that the matter is being considered under writ jurisdiction, judgment of the Division Bench, in the case of *Ritu Kumari -Versus- State of Bihar & Others* passed in *Letters Patent Appeal No 895 of 2015*, is relevant to the case in hand. The Division Bench has clearly held that, what is the height of the petitioner and whether it is of required standard or not, are questions of fact and have to be decided by recording evidence. The Division Bench has clearly held that the writ jurisdiction is not appropriate course of remedy in the context.

This Court, having considered the rival submissions,



would observe that decision of the Division Bench in the case of *Ritu Kumari (supra)* squarely covers the instant case. The issue in hand is also one where the petitioner disputes the correctness of measurement of height. Placing reliance on the fact that there is variation at three occasions, petitioner is claiming a direction for reconsideration with aid of a Medical Board.

This Court would also observe that minor variations may occur in re-measurement/s being done by the authorities. Based on such variations, a candidate cannot be permitted to approach the Writ Court for a direction to re-measure his/her height till such time that measurement is to the candidate's liking. More so, since earlier measurements/re-measurements have consistently found the height to be less than requisite height.

Relief in the writ petition is also covered by decision of the Division Bench of this Court in the case of *Ritu Kumari (supra)*, and is, accordingly, dismissed.

(Madhuresh Prasad, J)

M.E.H./-

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