

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10956 of 2021

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Raju Son of Vijay Prasad Resident of village - Daulatpur, P.s. - Rahui, P.O. - Brandi, District- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through its Chief Secretary, Government of Bihar, Patna.
2. The Director, Bihar Police Sub- Ordinate Commission, Bihar, Patna.
3. The Principal Secretary, Department of Home, Government of Bihar, Patna.
4. The Director General of Police, Bihar, Patna.
5. The Bihar Public Sub-ordinate Service Commission through its Secretary, Patna.
6. The Secretary, Bihar Police sub - ordinate service commission, Patna.
7. The Officer on Special Duty, Bihar Police Sub-Ordinate Service Commission, Station Manson, B-block, Raghunath Path, Danapur, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mrs. Ritika Rani, Advocate
For the Respondent/s	:	Mr. Ajay Kumar, AC to GP 4
For BPSSC	:	Mr. Sanjay Pandey, Advocate
	:	Mr. Nishant Kumar Jha, Advocate

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

ORAL JUDGMENT

Date : 09-03-2022

Heard learned counsel for the parties.

2. In the instant petition, petitioner has prayed for the following relief/reliefs:

“A. For commanding the respondents to re-measure the height of the petitioner who has declared unsuccessful/disqualified in the Physical Evaluation Test held on 26.03.2021 for appointment to the post of Bihar Police Sub Inspector, Sergeant, Assistant – superintendent Jail (Direct Recruitment), Assistant Superintendent Jail (Ex- Servicemen) against advertisement no. 01/2021 as contained in Annexure 1 mainly on the reason the height of the petitioner has been measured as 164.7 cm in place of 165 cm.



B. Also directing the respondents to constitute an expert/ independent committee for measuring the height of the petitioner as the Commission measurement in height of the petitioner is contradictory as against advertisement no. 02/2018 the height of the petitioner was calculated as 165 cm and against advertisement no. 01/2019 the height of the petitioner is measured as 164.7 cm.

C. To hold and declare the act of the Commission in measuring the height of the petitioner as 164.7 in place of 165 cm is an act of arbitrariness, malafide, unfair and bad-in-law.

D. Also to hold and declare disqualification of the petitioner in Physical Evaluation Test held on 26.03.2021 after measuring the height of the petitioner as 164.7 cm when the actual height of the petitioner is 165 cm is bad-in-law.

E. Also necessary relief/reliefs, order/orders, direction/directions, which the petitioners are entitled in the eye of law.”

3. On 14.02.2022 following order was passed:

“The matter is heard via video conferencing due to circumstances prevailing on account of the COVID-19 pandemic.

State counsel accepts notice for respondents.

Mr. Sanjay Pandey accepts notice for Bihar Public Sub-ordinate Service Commission.

Counsel for the petitioner is hereby directed to serve copy of the writ petition to the counsel for the State and Commission, if it is not already served.

Both of them are hereby directed to apprise this Court as to whether the present case is covered by C.W.J.C No. 14774 of 2021 decided on 03.12.2021 (Annexure 13) or not on the next date of hearing.

Re-list this case on 28.02.2022.”

4. Today, learned counsel for the B.P.S.S.C. on instruction submitted that the present case would be disposed off in terms of order passed in C.W.J.C. No. 14774 of 2021, decided on 03.12.2021 (Annexure 13).



5. Accordingly, the present petition stands disposed off in terms of the aforesaid order of this Court.

6. The concerned respondent is hereby directed to take appropriate action in terms of the aforesaid order dated 03.12.2021 in the present case also.

(P. B. Bajanthri, J)

GAURAV S./-

AFR/NAFR	
CAV DATE	
Uploading Date	11.03.2022
Transmission Date	

