

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9879 of 2022

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Diksha Priya, Daughter of Rajendra Sharma, Resident of Vill- Bhauara,
Morcha Tola, P.S.- Bhauara, District- Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Home Department,
Government of Bihar, Patna
2. The Chairman, Bihar Police Sub-ordinate Services Commission, Santosh
mention B Block near R.P.S. Law College, Raghunath Path, Danapur, Patna-
801503.
3. The Member-Secretary, Bihar Police Sub-ordinate Service Commission,
Santosh Mention B Block near R.P.S. Law College, Raghunath Path,
Danapur, Patna- 801503.
4. The Special Executive Officer, Bihar Police Sub-ordinate Service
Commission, Santosh Mention B, Block near R.P.S. Law College,
Raghunath Path, Danapur, Patna- 801503.

... .. Respondent/s

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Appearance :

For the Petitioner	:	Mr. Sagar Suman, Advocate
For the State	:	Mr. Saroj Kumar Sharma, AC to AAG-3
For the Commission	:	Mr. Kunal Tiwari, Advocate

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 17-08-2022 Heard learned Counsel for the petitioner and learned
Counsel for the Commission as well as learned State Counsel.

The petitioner is a participant in the process of selection for recruitment of Sub-Inspectors. It is her case that having qualified in the basic selection stages, she reached up to the physical eligibility test where she was found to be deficient in height. The petitioner was measured as 154.3cms as against the requisite 155cms.

The counsel for the petitioner submits that under



similar circumstances, this Court in CWJC NO. 14774 of 2021 as well as in CWJC No. 10385 of 2021 has directed for re-measurement of the candidates. The counsel further submits that at least two candidates lower in height than the petitioner, whose details have been mentioned in paragraph 11 of the writ petition, have been selected in the process and therefore it is a case of discrimination and arbitrariness.

The counsel for the respondent-Commission, however, has relied upon judgment of the Division Bench of this Court in the case of *Ritu Kumari Vs. State of Bihar & Others in L.P.A. No.895 of 2014*, whereby the Division Bench has held that the issue whether the height is sufficient or not, being an issue of disputed question of fact should not be entertained by way of writ application.

From perusal of the two judgments relied upon by the petitioner's counsel, it is obvious that the Division Bench judgment has not been brought to the notice of the Court.

In so far as the allegation of discrimination is concerned, candidates have been named in the writ petition though they have not been made parties. This Court would thus refuse to look into allegations against their interest.

This Court would further take notice of the fact that



the petitioner's height was measured on 26.06.2022. On 29.06.2022 she has given an application to the respondent-Commission, which has been brought on record by way of supplementary affidavit (Annexure-7). The contents of the said application are at variance with the allegations levelled in paragraph 10 of the writ petition. The conduct of the petitioner also does not inspire confidence for invoking the equitable jurisdiction of this Court.

For the above reasons, this Court would observe that no case is made out for exercise of writ jurisdiction for directing the respondents to remeasure/reconsider the petitioner's candidature with reference to the height eligibility criteria.

Writ application is dismissed.

(Madhuresh Prasad, J)

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