

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 9625 of 2021

Somen Das
Vs.
Union of India & Ors.

Mr. Udaynarayan Betal
Mr. Mriganka Patra
... For the petitioner

Ms. Jayita Dhar
... For Union of India

This is the second round of litigation. The petitioner says that he participated in the Combined Examination for the post of Constable, General Duty (in short “GD”) in CAPFs, NIA and SSF and Rifleman (GD) in Assam Rifles pursuant to an employment notice for such examination for the year 2018. The petitioner participated in the selection process and could not succeed as his chest measurement and height was found not as per the eligibility criteria. The petitioner approached this Court challenging the disqualification by filing a writ petition, being WPA 1301 of 2021, which was disposed of by an order dated 11th February, 2021, remanding the petitioner’s case back to Central Reserve Police Force (in short “CRPF”) for Physical Standard Test (in short “PST”) and Physical Efficiency Test (in short “PFT”) for petitioner’s height and chest measurement once again. The petitioner also says that in the second round on the

matter being remanded, the petitioner's chest measurement satisfied the eligibility criteria but on height measurement, the petitioner was again found short on the eligibility criteria. The petitioner now assails the rejection on the ground of height. The petitioner further says that in other examinations conducted by similar authorities like Assam Rifles and in connection with government job in West Bengal, the petitioner has been found of the height which meets the eligibility criteria for the subject recruitment process.

The recruitment process is of 2018. It is submitted on behalf of the respondents that the recruitment process has been completed and there is no vacancy as declared against the subject advertisement.

No fruitful purpose will be served in keeping the writ petition pending as the same will not enure to any benefit of the petitioner even if he succeeds in the writ petition establishing the fact that his measurement was not correctly taken by the recruitment authorities as the vacancies have been already fulfilled. That apart and in any event, a litigant should not be encouraged to knock the doors of the Court with successive writ petitions claiming the same relief till such time he/she achieves the desired result.

In such circumstances, the writ petition is dismissed, however, without any order as to costs.

Since I have not called for any affidavits, allegations made in the writ petition are deemed to have not been admitted by the respondents.

Urgent photostat certified copy of this order, if applied for, be given to the parties, upon compliance of necessary formalities.

(Arindam Mukherjee, J.)