

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8416 of 2016

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Rekha Kumari D/o Keshwar Chero R/o village-Dalifapur, P.S. Dhangai,
District - Bhojpur, Ara, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Home Secretary, Govt. of Bihar, Patna.
3. The Director General of Police, Govt. of Bihar, Patna.
4. The Chairman, Kendriya Chayan Parishad (Sipahi Bharti) Computer Bhawan, Jawahar Lal Nehru Marg, Patna-800023.
5. S.T. Commission through its Vice-Chairman, Punaichak, Bailey Road, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Santosh Kumar, Advocate
		Mr. Kamil Akhtar, AC to AAG-5
For the Respondent/s	:	Mr. Sanjay Pandey, Advocate
		Mr. Binod Kumar, Mishra, Advocate
		Mr. Vivek Anand Amritesh, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 07-12-2023 Heard learned counsel for the petitioner and learned counsel appearing on behalf of the State.

2. The present writ application has been filed for directing the respondents to appoint the petitioner on the post of the 'Sipahi' pursuant to an advertisement published by Kendriya Chayan Parishad, Bihar, Patna (Advertisement No.01/2004).



Accordingly, the petitioner has applied for the post in question and participated in screening test, physically test and the petitioner had cleared screening test. In physically test the petitioner's height was determined as 153.8 cm and on the basis of the height the petitioner was disqualified for the post in question.

3. Thereafter, the petitioner filed a representation before the Scheduled Tribe Commission claiming her height which was determined by the Board is wrong and her height is 156 cm and pursuant to the application of the petitioner the Scheduled Tribe Commission has recommended the case of the petitioner that her height should be measured by the All India Institute of Medical Science, Patna. The All India Institute of Medical Science had measure the height of the petitioner and it was found that the height of the petitioner was 154.2 cm.

4. Learned counsel for the respondents submit that as per advertisement the requisite height for all categories candidates was 155 cm and it is admitted fact that the petitioner has less than the 155 cm, even her height was measured by the All India Institute of Medical Science, which suggests that petitioner was not fulfilled the criteria as mentioned in the advertisement. The Selection Board has rightly not selected the



petitioner on the post of ‘Sipahi’ because she has not fulfilled the requisite height as per advertisement.

5. In view of the aforesaid, there is no merit in the writ petition and accordingly dismissed.

(Rajesh Kumar Verma, J)

Prakash Narayan

