

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10140 of 2023

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Pooja Singh, D/o Mithlesh Singh, permanent resident of Ward No. 20 Mushkipur Kothi Jamalpur P. Jamalpur Gogri District Khagaria at present resides at Block C-4/412 Mahesh Gard Line, Indore, Madhya Pradesh.

... .. Petitioner/s

Versus

1. The State of Bihar through the Home Secretary, Government of Bihar, Patna.
2. The Chairman, Central Selection Board of Constable, Sardar Patel Bhawan, 6th Floor, Block-A/626, Jawaharlal Nehru Marg, Patna.
3. The Officer on Special Duty, Central Selection Board of Constable, Sardar Patel Bhawan, 6th Floor, Block-A/626, Jawaharlal Nehru Marg, Patna.
4. The Director General-cum-Commandant General Home Guard and Fire Services, Bihar, Patna.
5. The Director-cum-State Fire Officer, Bihar, Patna.
6. The Additional Director-cum-Assistant State Fire Officer, Bihar, Patna.
7. The Deputy Inspector General-cum-Deputy Commandant General Home Guard and fire Services, Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Sanjay Kumar, Adv
For the Respondent/s	:	Mr. Saroj Kumar Sharma, AC to AAG-3
		Mr. Sanjay Pandey, Adv
		Mr. B.K. Mishra, Adv
		Mr. Vivek Amritesh, Adv

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 06-10-2023 1. Heard learned counsel for the petitioner and
learned counsel for the respondents.

2. Having been declared successful in the final select
list, the petitioner has not been offered appointment. It is with
this grievance, the petitioner has approached this court.

3. It is submitted by learned counsel for the petitioner
that a marginal deficiency has been noticed in petitioner's height



to the extent of one centimeter. If the petitioner is allowed a re-measurement, then the same can be duly verified. It is submitted that this deficiency of one centimeter may be occasioned due to various circumstances, including a human error; and therefore the petitioner should be allowed a second chance.

4. Learned counsel for the respondents has submitted that certain deficiencies were found in respect of 18 candidates from the final select list and for verifying the issue, date was fixed on 13-3-2023. On that date, the petitioner, in order to overcome the deficiency in height, has resorted to illegal means, which is evident from the communication dated 15-5-2023 (Annexure-7). The petitioner therefore is not entitled to relief in equitable writ jurisdiction under the Article 226 of the Constitution of India.

5. Considering the rival submissions, this Court would find that the issue of height being sufficient or insufficient is a disputed issue of fact. The Division Bench of this Court in the case of ***Ritu Kumari vs. the State of Bihar & Ors.*** passed in ***LPA No. 895 of 2014*** has already held that these issues are best raised in appropriate civil proceedings.

6. Since the petitioner may be in a position to avail civil remedies in accordance with law, this Court would refrain



from expressing any opinion on the merits of the submission advanced by respondent's counsel regarding the alleged illegitimate means adopted by the petitioner, being apparent from the impugned communication dated 15-5-2023.

7. Writ application is dismissed.

(Madhuresh Prasad, J)

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