

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.28 of 2019

=====

Mukesh Kumar, S/o Ramkishor Yadav @ Ram Kishor Yadav, Resident of
Village- Baikathpur, P.S. Konch, District Gaya.

... .. Petitioner/s

Versus

1. The State Of Bihar.
2. The Principal Secretary, Department of Home, Govt. of Bihar, Patna.
3. The Director General of Police, Bihar, Patna.
4. The Inspector General of Police Head Quarter, Patna.
5. The Bihar Police, Sub-ordinate Service Commission through its Secretary,
Santosh Mansion, B Block,
6. The Secretary, Bihar Police Sub-ordinate Service Commission, Santosh
Mansion, B Block, Raghunath Path
7. The Officer on Special Duty, Bihar Police Sub-ordinate Service
Commission, Santosh Mansion, B Block

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Ms. Kiran Sinha, Adv. Ms. Manisha Prakash, Adv.
For the BPSSC	:	Mr. Kunal Tiwary, Adv. Mr. Aniket Singh, Adv. Mr. Anupam Raj, Adv.

=====

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

6 06-02-2024 Heard learned counsel for the petitioner and learned
counsel for the Bihar Police Sub-ordinate Service Commission.

2. The present writ petition has been filed for directing the respondents to re-measure the height of the petitioner as he claims that his height is 167 c.m., but the respondent has wrongly measured his height as 164.6 c.m.

3. Learned counsel for the petitioner submits that the petitioner has participated in the examination for which



advertisement was published by the respondents *vide* advertisement no.1/2017 for the selection and appointment on the post of Police Sub-Inspector. Counsel also submits that the petitioner participated in the examination and after completing two phase examination i.e. preliminary examination and main examination, he was declared successful and he was allowed to appear for the physical test examination. Counsel further submits that the authorities measured his height as 164.6 c.m. incorrectly due to which, the petitioner could not be selected.

4. Learned counsel for the petitioner submits that initially the petitioner's height was 164.4 c.m. and thereafter, the height was measured again and it was found that it is 164.6 c.m. Counsel further submits that a direction for re-measurement of height of the petitioner may be made as the petitioner's height is 167 c.m.

5. Learned counsel for the State opposes the prayer of the petitioner and submits that with regard to dispute relating to height, a ratio has been decided by this Hon'ble Court by Division Bench in case of ***Ritu Kumari Vs. The State of Bihar & Ors. passed in Letters Patent Appeal No. 895 of 2014 dated 20.10.2014*** in which it has been held that:-

“what is the height of the petitioner-appellant and whether her height is of required



standard or not are questions of fact and have to be decided by recording evidence.”

6. In the light of the submissions made, this Court has no option but to decide this case in the light of the decision of the Division Bench and accordingly, this writ petition stands disposed off. And if, the suit is filed by the petitioner, the Civil Court shall deal with the suit expeditiously and dispose the same preferably within a period of 6 months from the date of institution of the suit.

7. With the aforesaid observations and directions, this writ petition is hereby disposed off.

(Dr. Anshuman, J.)

Divyansh/-

U			
---	--	--	--

