

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9988 of 2024

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Babita Kumari, Daughter of Krishna Prasad Resident of Village - Dhobdiha,
P.O.- Dhobdiha, District- Nalanda (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Govt. of Bihar.
2. The Director General of Police, Bihar, Patna.
3. The Chairman, Central Selection Board (Constable Selection), Bihar, Patna.
4. The Under Secretary Central Selection Board (Constable Selection), Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Chandra Bhushan Upadhyay, Advocate
For the Respondent/s	:	Mr. (Dr.) Mankeshwar Tiwari, A.A.G 3
For the CSBC	:	Mr. Sanjay Pandey, Advocate
		Mr. Binod Kr. Mishra, Advocate
		Mr. Vivek Anand Amritesh, Advocate

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 02-07-2024 Heard Mr. Chandra Bhushan Upadhyay, learned counsel appearing on behalf of the petitioner; Mr. (Dr.) Mankeshwar Tiwari, learned AAG 3 for the State and Mr. Sanjay Pandey along with Mr. Binod Kr. Mishra & Mr. Vivek Anand Amritesh, learned counsels appearing on behalf of the Central Selection Board (Constable Selection), Bihar, Patna.

2. The petitioner in paragraph no. 1 of the present writ petition has sought *inter alia* following relief(s), which is reproduced hereinafter :-

(a) To quash the order bearing Letter no.285 dated 19.03.2024 issued by the Respondent No.4 under Secretary, Central Selection Board



(Constable Selection), Bihar, Patna whereby and whereunder he has rejected the prayer of the petitioner to remeasure her height.

(b) For direction be issued to the respondent to remeasure her height in presence of Inspector General of Police under CCTV Camera in impartial manner and after finding more height than the selected candidates for the post of constable under the same category i.e. O.B.C. female in pursuant to the advertisement bearing Advertisement no.1/2012 and selection be made to the petitioner on the post of constable in pursuant to the abovementioned advertisement.

(c) For any other relief or reliefs as your Lordships may deem fit and proper in the facts and circumstances of the case.”

3. The grievances of the petitioner is that the petitioner fulfils all the eligibility criteria for appointment on the post of constable, however, the Authority in arbitrary manner has disqualified her in physical measurement as having found her less than 155 cms.

4. The petitioner has claimed that she was invited for physical test and she appeared and her height was measured as 155 cms and on the same basis, she claims that the rejection is violative and against the fundamental right granted under Article 14 and 16 of the the Constitution of India. Under these grounds, learned counsel seeks interference of this Court.

5. Mr. Sanjay Pandey, learned counsel appearing on behalf of the Central Selection Board of Constable, referring to the Advertisement dated 10.07.2012 pointed out that the



minimum height for female category (OBC) candidate is 155 cms and maximum age limit for being considered for selection is 25 years for Female (OBC) category candidates. The petitioner, as per her own affidavit, has given information on oath that she as on date is 38 years old, therefore, considering the age of the petitioner as on date, she do not fulfil the terms and conditions as contained in advertisement dated 10.07.2012.

6. Learned counsel further informs that the petitioner had earlier filed a writ petition for similar reliefs before this Court in year 2013 being CWJC No.13706 of 2013 and this Court vide order dated 14.08.2013 had granted liberty to the petitioner to approach the Authority concerned and a direction was issued in that case for making fresh measurement by the Competent Authority.

7. Learned counsel referring to '**Anexure 3**' to the writ petition, which is a Fitness Certificate, would contend that the certificate is duly issued by Assistant Surgeon, but the place is not legible, which creates doubt and call for enquiry in respect of the height of the petitioner.

8. Learned counsel has emphatically submitted that pursuant to the order passed by this Court from time to time, the height of the petitioner was re-measured as 154.5 cms, which



disqualified her.

9. However, at this stage, learned counsel for the petitioner seeks to withdraw the present writ petition.

10. The present writ petition is accordingly dismissed as withdrawn with a warning that, in future, the petitioner must not file frivolous writ petition.

(Purnendu Singh, J)

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