

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13667 of 2015

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Chandu Singh, Son of Sri Lalan Singh, Resident of Village - Ijaripipra, P.O. -
Salempur, P.S. - Ara Muffasil, District - Bhojpur (Ara), State - Bihar.

... .. Petitioner/s

Versus

1. The Union of India through the Home Secretary Government of India.
2. The Director General of Police Central Reserved Police Force, C.G.O.
complex Lodi Road New Delhi.
3. The Deputy Inspector General of Police (Recruitment) Central Reserved
Police Force, C.G.O. Complex Lodi Road New Delhi.
4. The Presiding Officer, S.H.Q., B.S.F. Campus (Board No. 1) Kishanganj
(Khagra Camp) District – Kishanganj, Bihar.
5. The Commandant BSF Campus (Board No. 1) Kishanganj (Khagra Camp)
District - Kishanganj, Bihar.
6. The Secretary Staff Selection Commission Government of India.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Maya Shankar Mishra, Advocate

For the U.O.I : Mr. Brajesh Kumar Pandey, Advocate

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CORAM: HONOURABLE MR. JUSTICE NANI TAGIA
ORAL JUDGMENT

Date : 26-11-2024

Heard learned counsel for the parties.

2. The petitioner had applied for the post of Constable (GD) pursuant to an advertisement issued by the respondent No.6 – Staff Selection Commission (S.S.C.), Government of India which was published in the ‘Employment News’ newspaper dated 24.01.2015. The



scheme of the examination for the post of Constable (GD) consisted of physical standard test, written examination and medical examination of the candidates. Physical standard test was to be conducted first which, *inter alia*, provided that the minimum height of the male (General) candidates should be 170 cms.

3. The petitioner is aggrieved by the action of the selection authority in rejecting the petitioner's candidature on the ground that he does not possess height of 170 cms.

4. The petitioner contends that his height is 170 cms and in the earlier recruitment conducted by the Staff Selection Commission in the year 2013-14, his height was found to be 170 cms. In this regard the petitioner in paragraph Nos. 6 and 7 of the writ petition has stated as under:

“6. That it is relevant to be mentioned here that the petitioner appeared in physical standard test and physical efficiency test on scheduled dated at SHQ BSF campus (Board No.1) but his height was not properly measured in proper manner by the respondents and it was said that his height is less than 170 CM thereafter the petitioner request the respondents to remeasure his height as in previous vacancy his height was measured as 170 CM in the



said campus and the petitioner showed his measurement chart issued in previous vacancy in the year 2013-2014 but respondent authority did not considered his case and he refused the request of petitioner for re-measurement of his height and petitioner was driven out by assaulting from the ground without issuing any rejection slip.

7. That it is worth to be mentioned here that the petitioner applied for recruitment to the post of constable (GD) in CAPS for the year 2013-14 in view of advertisement issued by Staff Selection Commission and he appeared in physical Efficiency test and physical standard test in the aforesaid recruitment and he was declared qualified and his height was measured as 170 CM at Kishanganj and qualifying slip was issued in his favour.”

5. Respondents have filed a counter affidavit.

6. In the counter affidavit filed by the respondents, the contention of the petitioner in paragraph Nos. 6 and 7 of the writ petition have been answered in paragraph Nos.19 and 20 of the counter affidavit.

7. Paragraph Nos.19 and 20 of the counter affidavit are extracted hereinbelow:

“19. That with regard to paragraph No.6 of the writ petition under reply, it is humbly submitted that the averments made by the petitioner in this paragraph are false, baseless, incorrect and



misleading. It is respectfully submitted that the petitioner had appeared before a duly constituted board for Physical Stand Test (PST) and Physical Efficiency Test (PET) on 26.05.2015 at SHQ BSF Campus, Khagra Camp, Kishanganj, Bihar - 855107. As per the Government of India, Ministry of Home Affairs (Pers II Desk) Police-II Division Revised Scheme for common recruitment of Constable in Central Armed Police Forces (CAPFs) as circulated vide their UO No. I-45023/8/2014/Pers-II dated 21.01.2015 it has been clarified that at the very beginning of the recruitment process, candidates whose applications are found to be in order will be asked to go through the height bar and thereby, candidates with lesser height will get eliminated. According, the present petitioner was also appeared for height bar test which marked at 170 cms, required for general male candidates, but the petitioner could not qualify/ touch the height bar and got disqualified in height test. Being aggrieved, the petitioner had requested to the Board for re-measurement of his height. Accordingly, upon request/ claim of the petitioner, he was re-measured by the said constituted Board of Officers on Height Measuring Scale but he again could not qualify/touch the height bar which was fixed at 170 cms as required for the post. As such, the petitioner was eliminated from the recruitment process and not allowed to appear/ participated further in the process of recruitment.

20. That with regard to paragraph Nos. 7 to 9 of the writ petition under reply, it is humbly submitted that height of the petitioner has been measured twice by the



duly constituted Board of Officers but the petitioner could not qualify/ touch the height bar which was fixed at 170 cms as required for the post. As regard measurement of height of the petitioner by the other recruitment Boards, no comments can be made on the procedure adopted/ followed by said PST/PET Boards while measuring the height of the petitioner. All the due procedure/guidelines have been followed in measurement of the petitioner's height and no prejudice has been caused to the petitioner at any stage by the respondents authorities."

8. On perusal of the averments made by the petitioner in paragraph nos. 6 and 7 of the writ petition, it is found that the petitioner contended that his height is 170 cms and in the earlier recruitment conducted by the same Staff Selection Commission in year 2013-14, his height was found to be of 170 cms. But in the instant recruitment conducted, due to inappropriate measurement of the height of the petitioner by the Board entrusted to do so, the petitioner's height has been inaccurately and arbitrarily found to be less than 170 cms.

9. Replying to the aforesaid contention of the petitioner, the respondents in paragraph Nos. 19 and 20 of



the counter affidavit filed, stated that the petitioner had appeared before a duly constituted Board for Physical Standard Test (PST) and Physical Efficiency Test (PET) on 26.05.2015 at SHQ BSF Campus, Khagra Camp, Kishanganj, Bihar and in the said Physical Standard Test (PST) and Physical Efficiency Test (PET) conducted, the petitioner could not qualify/touch the height bar marked at 170 cms for which he was disqualified. The respondents further state that the petitioner had requested the Board for re-measurement of his height and on his request, the height of the petitioner was remeasured, but the petitioner again could not qualify/touch the height bar fixed at 170 cms as prescribed, for which the petitioner was eliminated from the recruitment process.

10. From the rival contentions made by the parties, it is noticed that the petitioner is making a categorical assertion that his height 170 cms which was also found by the same Staff Selection Commission in the earlier recruitment held in the year 2013-14. On the other hand, while replying to the aforesaid contention of the petitioner that his height is of 170 cms, the respondents, in the counter



affidavit filed, stating that his height is not of 170 cms, has not specified what is the actual height of the petitioner in the height measurement, that was carried out in the Physical Standard Test (PST) and Physical Efficiency Test (PET) conducted by the designated Board of the Staff Selection Commission. The failure of the respondents to disclose the actual height of the petitioner in the Physical Standard Test/Physical Efficiency Test conducted by the designated Board of the Staff Selection Commission held pursuant to advertisement dated 21.01.2015, leaves a room for doubt as to whether the petitioner's height was appropriately measured by the designated Board of the Staff Selection Commission.

11. Under the aforesaid circumstances, I deem it appropriate that the petitioner's height be measured afresh.

12. Accordingly, respondents are directed to measure the height of the petitioner afresh.

13. Once the petitioner's height is measured afresh by the respondents as directed hereinabove, the petitioner's selection pursuant to advertisement dated 21.01.2015 issued by the Staff Selection Commission vide UO No. I-



45023/8/2014/Pers-II, shall be subject to the findings of the petitioner’s height by the respondents.

14. With the above observations and directions the writ petition stands disposed off.

(Nani Tagia, J)

Nilmani/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	28.11.2024
Transmission Date	N/A

