

04.12.2024

Court No.23

DL- 10

PP

**In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

WPA 26718 of 2024

**Shubham Kumar Jaiswal
versus
Union of India & Ors.**

Mr. Debasish Kundu

....For the petitioner.

Mr. Ram Chandra Agarwal,
Mr. Anish Kumar Mukherjee

....for Union of India.

By an order dated 8th November, 2024, the petitioner was permitted to participate in the Physical Efficiency Test (in short, PET) in connection with the Central Armed Police Forces (CAPFs) Examination, 2024, the last date of which was scheduled on 8th November, 2024 after giving the petitioner the benefit of the shortfall in height in terms of Regulation 2(d) of the guidelines for Recruitment Medical Examination in Central Armed Police Forces and Assam Rifles as revised in May 2015 (hereinafter referred to as “the 2015 guidelines”).

The petitioner says that immediately upon the order being passed, the petitioner attempted to participate in the PET, but could not do so as the same was concluded for the day before the petitioner could have reached the office of the CISF Dhanbad/BCCL

Dhanbad, CISF Unit BCCL Dhanbad, New Complex, being the respondent no.9 wherein the same was held. 8th November, 2024, being the last date of PET, the petitioner, therefor, could not participate in the same despite being permitted to do so by the order dated 8th November, 2024.

On behalf of the respondents, it is submitted that in the instant case, the last date of Physical Efficiency Test (in short, PET) was not 8th November, 2024, but 24th October, 2024, and as such the question of the petitioner participating in PET on 8th November, 2024 did not arise.

Be that as it may, since the final selection list has not been published as yet, the discrepancy in facts as aforesaid is not fatal to deny the petitioner of the benefit that has been already granted by the order dated 8th November, 2024.

On behalf of the respondents, it is submitted that they were always ready and willing to comply with the order of this Court, but the petitioner did not appear prior to the conclusion of the PET held on 8th November, 2024.

Since there is already an order and to resolve the impasse, keeping in mind that the final selection list is likely to be published on or about 7th December, 2024, I direct the respondents to constitute a Board for PET by 12th December, 2024 and inform the petitioner about

the date, time and venue of PET. Till PET and if the petitioner is successful in PET, the Detailed Medical Examination (in short, DME) and the Review Medical Examination (in short, RME), if necessary, of the petitioner is not held, the respondents and each one of them should not publish the selection and/or merit list recommending the names of the selected candidates for being given appointment. It is made clear that no further opportunity for PET will be given to the petitioner and if he fails to participate in the same, the respondents will be free to publish the selection list.

Nothing further remains to be adjudicated in this writ petition. The same is accordingly disposed of.

All parties to act on the basis of a server copy of this order without insisting upon production of a certified copy thereof.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Arindam Mukherjee, J.)