

IN THE HIGH COURT AT CALCUTTA
Civil Appellate Jurisdiction

Present :

The Hon'ble Chief Justice T. S. Sivagnanam

And

The Hon'ble Justice Chaitali Chatterjee (Das)

MAT/36/2025
KOUSHIK PAL
VS
UNION OF INDIA AND ORS.
IA NO: CAN/1/2025

For the Appellant :- Mr. Debashis Kundu

For the Union of India :- Mr. Bipul Kumar Mandal
Mr. Rameshwar Sinha

Heard on : 04.07.2025.

Judgment on : 04.07.2025.

T. S. SIVAGNANAM, CHIEF JUSTICE.:

1. This intra court appeal has been filed by the writ petitioners is directed against the order dated 4th December, 2024 in WPA 27757 of 2024.

2. The said writ petition was filed by the appellant seeking the appointment to the post of Constable (GD) in the Central Force by permitting the appellant to be present before the appellate authority for re-measurement of his height. According to the appellant, his height is 170.3 cms., whereas the authorities have rejected the appellant's candidature on the ground that his height is 169.4.

3. The order of rejection permits the candidate to file an appeal to the appellate authority on the same day through the presiding officer.

4. It is not in dispute that the appellant did not prefer the appeal on the same day and the reason being that there was a large gathering of candidates and the appellant could not approach the presiding officer to forward his appeal petition.

5. Therefore, the appellant sent an appeal petition through e-mail on 8th November, 2024, about 15 days' after the rejection.

6. This appeal is stated to be pending. Though it may be true that the appellant did not file the appeal petition before the

appellate authority on the same day, the court can take judicial notice of the fact that when such recruitments are conducted, there is a huge gathering of candidates and at times leads to law and order issue and it will be very difficult for the candidates to approach the presiding officer to exercise the appellate remedy. In any event the appeal petition has been sent by e-mail and proof thereof has been annexed in the annexures to the appeal memorandum.

7. Under these circumstances, this court had considered two other matters in FMA 886 of 2025 dated 19.6.2025 and directed the appellant therein to file a fresh representation enclosing the copy of the appeal petition sent by e-mail as well as copy of the order and a direction was given to the 6th respondent therein to consider the appeal on merits within a time frame.

8. The Deputy Inspector General (Principal Staff Officer) has filed the affidavit-in-opposition on behalf of the respondents wherein it has been stated that the appellant failed to file the appeal petition on the same day. Along with the affidavit-in-opposition the annexures have been enclosed including a compact disk justifying the decision taken by the authority that the height of the appellant is only 169.4 cms.

9. This court is not inclined to make any observations on the merits of the matter as it is for the appellate authority to take note of the claim made by the appellant.

10. Therefore, we dispose of this appeal by directing the appellant to submit a representation to the competent authority, namely, 6th respondent and the appellant is directed to enclose copy of the appeal memorandum and any other documents by which he claims that his height is more than 170 cms. along with the copy of this order and on receipt of the same, the competent authority shall consider the appeal petition on merits and in accordance with law within a period of three months from the date on which the representation is submitted. The decision that shall be taken by the competent authority shall be communicated to the appellant by registered post/speed post.

11. It is made clear that this court has not gone into the merits of the matter and it is for the appellate authority to take a decision.

(T. S. SIVAGNANAM)
CHIEF JUSTICE

I agree.

(CHAITALI CHATTERJEE (DAS), J.)

Item No.7
gd/ssd