

August 19, 2025
Sl. No.1
Court No.8
s.biswas

MAT 37 of 2025
With
CAN 1 of 2025

Utpal Singha
vs.
Union of India and others

Mr. Debashis Kundu

... for the appellant

Ms. Rashni Bothra

Mr. Iswar Ch. Maiti

... for the Union of India

1. Parties are represented through their respective learned counsel.
2. This intra court appeal takes exception to the order dated 04.12.2024 passed by the learned Single Judge in WPA 27337 of 2024 whereby the writ petition of the present appellant is dismissed *in limine* without putting the other side to notice.
3. The principal argument of learned counsel for the appellant is that in the selection in question, the original authority measured the height of the appellant as 169 centimeter. Admittedly, the minimum height required for the post in question is 170 centimeter. Aggrieved with the order of the original authority, the petitioner preferred an appeal before the appellate authority. The said authority rejected it by a single stroke of pen by recording finding that 'less in height'. The argument of the petitioner is that the said order of the appellate authority is a non-speaking order and he was obliged to record at least how much

height of the petitioner the appellate authority had measured. The learned Single Judge has not considered this aspect at all and non-suited the petitioner on the basis of previous judgment in ***Harun Miah vs. Union of India & Ors. (WPA 25903 of 2024)***.

4. The learned counsel for the Union of India prays for time to seek instruction.
5. However, we are not inclined to give any such time for the simple reason that WPA 27337 of 2024 is dismissed *in limine* without putting the other side to notice.
6. The plaint reading of the order of learned Single Judge shows that the only point on which the admission was declined is judgment of ***Harun Miah*** (supra).
7. On careful reading of judgment of ***Harun Miah*** (supra), shows that it is on different point, the point relating to principle of 'rounding off'. The relevant provision of rule permits the benefit of 'rounding off' height if measurement is more than 0.5 centimeter for a particular candidate.
8. This is not the case of the petitioner and principle of rounding off cannot be pressed into service. Since no other point raised by the petitioner is considered by the learned Single Judge, we cannot countenance the said order. The said order is accordingly set aside. WPA 27337 of

2024 is restored to its original number. The Registry shall list the matter before the learned Single Judge in the week commencing 25th August, 2025. The petitioner may raise all other points before the learned Single Judge.

9. Accordingly, the appeal is disposed of without expressing any opinion on merits of the case.

(Sujoy Paul, J.)

(Smita Das De, J.)