

16.06.2025
Item No.14
Ct. No.01
RP/SM

MAT/322/2025
with
IA NO: CAN/1/2025

KOUSHIK BARMAN
VS
UNION OF INDIA AND ORS.

Mr. Debasish Kundu, Adv.

....For the Appellant

Ms. Rashni Bothra, Adv.

Mr. Iswar Chandra Maity, Adv.

....For the U.O.I.

1. This intra-Court appeal by the unsuccessful writ petitioner is directed against the order dated 11th February, 2025 by which the writ petition was dismissed on the ground that physical standards which are required to be met by a candidate, who participates in the recruitment process in the para-military forces cannot be relaxed. The finding rendered by the learned Single Bench cannot be faulted since the Court is not expected to interfere with the physical standards which are required for para-military services and it is for the recruiting authority to fix those standard. However, it appears that in the order of rejection of the writ petitioner's candidature dated 28th October, 2024 it is stated that if a person is not satisfied with the ground of rejection during PST he may prefer an appeal to the Appellate Authority. According to the petitioner, an appeal was preferred before the Appellate Authority on

1st November, 2024 and the same was sent through email on the very same date. A copy of the said appeal petition has been enclosed in page 50 of the stay petition and a copy of screen shot of the email sent to the authority have been annexed in pages 51 and 52 of the stay petition. Since the order of rejection itself states that a candidate, who is not satisfied with the ground of rejection during PST, he may prefer an appeal in writing to the Appellate Authority through the Presiding Officer, we are of the view that the appellate remedy availed by the appellant should be considered.

2. It is seen from the appeal petition dated 1.11.2024 that it was addressed to the Director General, CRPF, Recruitment Branch, New Delhi and a copy to CRPF Durgapur, Group Centre, CRPF Durgapur. However, the order of rejection says that the appeal should be preferred on the same date through the Presiding Officer. In any event, since there is a prima facie proof to show that appeal was sent through email, without standing on technicalities we are of the view that the Appellate Authority can consider the appeal on merits and in accordance with law. In order to facilitate the said process the appellant is directed to file a fresh appeal petition enclosing the copy of the earlier appeal petition, a copy of the screen shot of the email and a copy of this order and submit the same before the respondent no.6 through speed post with

acknowledgement card within two weeks from date of receipt of the server copy of the order. The said Appellate Authority/competent authority shall consider the appeal petition and pass an order on merit and in accordance with law within a period of two months from the date on which the appeal petition is received.

3. It is made clear that this Court has not gone into the merits of the matter. However, taking note of the fact that the appeal was not presented through the Presiding Officer nonetheless since the matter was before Court the above direction has been issued. However, it is made clear that this direction shall not be treated as a precedent.
4. With the aforesaid direction this appeal and the connected application are disposed of.

[T.S. SIVAGNANAM]
CHIEF JUSTICE

[CHAITALI CHATTERJEE (DAS), J.]