

**IN THE HIGH COURT OF JUDICATURE AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE**

HEARD ON: 19.06.2025

DELIVERED ON: 19.06.2025

**CORAM:
THE HON'BLE CHIEF JUSTICE T.S. SIVAGNANAM
AND
THE HON'BLE JUSTICE CHAITALI CHATTERJEE (DAS)**

**F.M.A. 886 of 2025
With
I.A. No. CAN 1 of 2025**

**Prosenjit Modak
Vs.
Union of India & Ors.**

Appearance:-

Mr. Debasish Kundu for the appellant

Mr. Sunil Singhanian

Mr. Tapan Bhanja for the Union of India

(Judgment of the Court was delivered by T.S. SIVAGNANAM, C.J.)

1. This intra-Court appeal filed by the writ petitioner is directed against the order dated 29th November, 2024 passed in W.P.A. 25975 of 2024 challenging the non-selection of the appellant/writ petitioner to the post of Constable (General Duty) in Central Armed Police Forces. The petitioner has been found to be non-fulfilling the height criterion and the height of the appellant has been recorded as 169.1 cms. whereas the requirement is 170 cms.

2. The appellant had filed an appeal petition to the appellate authority through the C.R.P.F., Silliguri on 4th October, 2024 but the appeal petition has not been considered, presumably because it was not filed on the same date on which date the appellant was found to be not qualified.
3. Under normal circumstances, the Court will not interfere with the recruitment process especially when it is for a uniformed service; however, the facts in the present case persuades us to exercise discretion in favour of the appellant and we are inclined to issue appropriate direction to the appellate authority to consider the appellant's appeal petition. The reason, which persuaded us to do so is by taking note of the two earlier selections in which the appellant had participated for the very same post. In the selection, which was held in the year 2019, the appellant was found qualified with regard to the height criterion and it has been recorded that his height is 170cms. However, for some other reason, he was not qualified. Subsequently, in 2022, the appellant participated in the selection process and the height of the appellant has been recorded as 171 cms. but however, he did not qualify in the 5km./1.6 km.run. The present selection is the third time when the appellant has participated and his height has been recorded as 169.1 cms.
4. There is nothing on record to indicate as to how the appellant could have become shorter when in two earlier occasions his height was recorded as 171cms./170 cms. In the light of the height as recorded by the respondents in the two earlier occasions, we are of the view that the appellant's case should be re-considered with regard to the height criterion.
5. In the light of the above, the appellant is directed to file a representation enclosing copy of the appeal petition sent by e-mail dated 4th October, 2024

along with copy of this order and also the copy of the candidate's copy of the two earlier selections i.e. 2019 and 2022. The appellant is directed to submit such representation to the 6th respondent within two weeks from the date of receipt of server copy of this order and after receipt of the same, the 6th respondent shall consider the same on merits and in accordance with law within a period of eight weeks thereafter and communicate a reasoned order to the appellant by registered/speed post within a week thereafter.

6. With the above directions, the appeal and the connected application stand disposed of.
7. No costs.
8. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

(T.S. SIVAGNANAM)
CHIEF JUSTICE

I agree.

(CHAITALI CHATTERJEE (DAS), J.)