

Form No. J(2)
Daily List Item No. 3
Court No. 2
b.r.

In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

Present:-
The Hon'ble Justice Aniruddha Roy

WPA 22254 of 2025

Sabir Hossain & Anr.
-vs-
The Union of India & Ors.

For the petitioners : **Mr. Debasis Kundu**
Mr. Bidhan Modak

For the Respondents
/Union of India. : **Mr. Indrajeet Dasgupta**
Mr. Tapan Bhanja

Heard On : **24.09.2025**

Judgement on : **24.09.2025**

Aniruddha Roy,J. :

1. Affidavit of service filed in Court today, is taken on record.

2. The instant writ petition has been filed by the petitioners seeking appointment for the post of **Constable (GD)** in the **Central Armed Police Force** under the **Selection Process of 2025**.

3. Referring to **Annexure p-4** at **pages- 27 and 30** to the writ petition, learned counsel for the petitioners submit that at the **Physical Standard Test (PST)** level, the height of the petitioners have been measured as **169.5 cms**. Referring to **Clause 12.5** of the notice of the recruitment process, **Annexure p-7 at page-41** to the writ petition and more specifically at **page-42** to the writ petition, learned counsel for the petitioner submits that the cut off qualifying height is fixed by the selection authority for male candidates **170 cms**.

4. Learned counsel appearing for the petitioners draw attention of this Court to **Clasuse-2(d)** of the **Medical Guidelines for Recruitment** revised as on **May 20, 2015**. The relevant provision from the said **Clause 2(d)** is quoted below:-

*****Similarly

while measuring height Fraction of cm less

than 0,5 will be ignored and 0.5 cm & more will rounded off to the next height cm Standard height weight chart is attached at annexure-1.”

5. Learned counsel further submits referring to the said **Clause 2(d)** from the said Medical Guideline that the said clause relates to measurement of Physical Standards.

6. In the light of the above, on behalf of the petitioners, it is submitted that since the height of the petitioners have been found to be **169.5 cms** at **page 27 and 30** to the writ petition, following the provisions laid down under the said **Clause 2(d)** of the said Medical Guidelines, the same should be rounded off to **170 cms**.

7. In the event such rounded off measurement is taken in account, the petitioners automatically comes within the consideration zone for the next stage of the selection process.

8. In support, learned counsel for the petitioners have relied upon a decision of the Co-ordinate Bench dated **September 12, 2025**, inter alia, ***In the matter of:***

Anuj Bala –vs- Union of India & Ors. rendered in WPA 21766 of 2025.

9. Mr. Indrajeet Dasgupta, learned counsel appearing for the Union of India/respondents submits that this rounding off **0.5 cm** was not permitted by a Co-ordinate Bench dated **November 29, 2024**. In support, he has referred a decision of a Co-ordinate Bench, ***In the Matter of: Harun Miah –vs- Union of India & Ors. rendered in WPA 25903 of 2024.***

10. After considering the rival contentions of the parties and upon perusal of the materials on record from a plain and harmonious reading of **Clause 2(d)** of the Medical Guideline, as quoted above, this Court is of the considered view that, while measuring the height fraction of centimeter less than 0.5 will be ignored and 0.5 cm and more will be rounded off to the next higher centimeter standard height-weight chart. In the instant case, admittedly height of the petitioners at the PST level was measured as **169.5 cms**. Therefore, applying the provision of Clause 2(d) of the Medical Guideline, the same should be rounded off to the next higher centimeter standard

height, which is **170 cms** being the qualification prescribed under the Selection Rule.

11. The parties have also confirmed that no appeal has been preferred from the said decision of the Co-ordinate Bench, ***In the matter of: Anuj Bala (supra)***.

12. ***In the matter of: Harun Miah (supra)*** at the PST level the writ petitioner was measured as **169.4 cms**, and as such his height was found to be at a fraction where **Clause 2(d)** of the Medical Guideline, would not apply. Hence, the ratio ***In the matter of: Harun Miah (supra)*** would not apply in the facts of the instant case.

13. In view of the foregoing reasons and discussions, the height of the petitioners, in the instant case, should be taken and accepted as **170 cms** by the authority concerned.

14. Accordingly, the petitioners shall be allowed to be considered within the consideration zone for the next step of the selection process strictly in accordance with law.

15. The next issue comes that the petitioners during PST level was disqualified due to their chest measurement. The Chest was measured as would be appearing from **annexure P-4 at pages-27 and 30** to the

writ petition. The cut off was **80 to 85** cm as fixed by the Selection Board.

16. The orders of rejection dated **August 27, 2025, August 28, 2025** by the PST Board permits the candidates to file an appeal before the appellate authority on the same day through the presiding officer.

17 The petitioner preferred appeal through electronic mail (e-mail) on **September 3, 2025** and **August 30, 2025**. The petitioners did not prefer the appeal on the same day and the reason being that there was a large gathering of candidates and the petitioners could not approach the presiding officer to forward their appeal petitions. The grounds are mentioned in the writ petition.

18. The appeals are stated to be pending. Though it may be true that the petitioners did not file the appeal before the appellate authority on the same day.

19. The reasons for not preferring the appeal shown by the petitioners, prima facie, appears to be bona fide. The reason for which the petitioner could not prefer the appeals within the time stipulated, was beyond the control of the petitioners, as it prima facie appears to this court. In any event, an appeal being a

substantive right cannot be denied merely on procedural irregularity, that too, which appears to be beyond the control of the petitioner.

20. Learned counsel for the petitioners, in support of his contention submits that, under the similar and identical fact situation by a judgment dated **July 4, 2025** the Hon'ble Division Bench ***In the matter of: Koushik Pal Vs. Union of India in MAT 36 of 2025*** had allowed the candidates to prefer appeal beyond the time and directed the competent authority to consider the appeal on merit and in accordance with law.

21. The Hon'ble Division Bench ***In the matter of: Koushik Pal (supra)*** has observed as under:

'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. 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.'

22. In view of the forgoing reasons and discussions, this court is of the considered view that, the petitioner may be granted an opportunity to prefer an appeal and have a reasoned decision on merit in accordance with law.

23. In view of the above, the petitioner shall submit a representation before the appellate authority being the jurisdictional appellate authority by enclosing the appeal memorandum and all other necessary documents by which he claims that their chest are more than required measurement along with copy of today's order and upon receipt of the same, the competent authority shall consider the appeal on merits but strictly in accordance with law, within a period of **three weeks** from the date on which the representation shall be submitted. As it is submitted on behalf of the petitioner that after the said PST is over, if the candidate is successful, they shall have to face the detail medical examination before the medical board constituted by the selection committee and the said medical test is likely to commence within a short while, the above direction is made.

24. The appellate authority then shall communicate its reasoned decision to the appellants positively within **two weeks** from the

date of the said reasoned decision to be taken by the appellate authority by registered post/speed post.

25. 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 its independent decision in accordance with law.

26. It is made clear this order is restricted only for the purpose of measurement of height and chest of the petitioners to the extent the direction made herein, at the PST level and the same shall not create any right or equity in favour of the petitioners for the next and further stages of the selection process and the petitioners shall be assessed at every stage of the selection process on their own merit in accordance law.

27. With the above observations and directions, this writ petition, **WPA 22254 of 2025** stands **disposed of**.

28. Photostat certified copy of this order, if applied for, be furnished expeditiously.

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(Aniruddha Roy, J.)