

IN THE HIGH COURT AT CALCUTTA

CONSTITUTIONAL WRIT JURISDICTION

APPELLATE SIDE

Before:

THE HON'BLE JUSTICE SAUGATA BHATTACHARYYA

W.P.A. 23415 OF 2025

Rihan Shaikh

VS.

Union of India & Ors.

For the Petitioner : Mr. Debasish Kundu

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

Heard on: : 25.11.2025

Judgment on: : 25.11.2025

SAUGATA BHATTACHARYYA, J:

1. Affidavit of service filed on behalf of the petitioner is taken on record.
2. Matter is heard in presence of learned advocates representing the petitioner and Union of India.

3. Petitioner is aggrieved by method of measuring his height for being appointed as Constable (GD) in Central Armed Police Forces (CAPFs). It is submitted on behalf of the petitioner that height measured by the authority in previous selection process does not tally with the height measured by the authority in the present selection process and it is argued that there is no reason to disbelieve height of the petitioner which was measured in previous selection process. It is contended that there is no rationale in difference of height of a candidate measured by the authority for being appointed as Constable (GD).
4. Sum and substance of submissions of the petitioner is that on giving credence to previous height of the petitioner measured by the authority in connection with previous selection process he should have been adjudged eligible in terms of measurement of height for being appointed as Constable (GD).
5. Prayer of the petitioner is opposed by learned advocate representing Union of India based on judgment delivered by the Hon'ble Division Bench on an intra-court appeal being **FMA 964 of 2025 (Harun Miah Vs. Union of India & Ors.)**. According to respondents, similar issue was considered by

the Hon'ble Division Bench in **Harun Miah** (supra) and contention of the appellant was negated.

6. On perusal of judgment dated 11th September, 2025 of the Hon'ble Division Bench in **Harun Miah** (supra), it appears that issue involved in this writ petition is no more *res integra*. The fact which was considered by the Hon'ble Division Bench is that based on variation between the height measured on two different dates candidate was declared ineligible and it was argued that ordinarily candidate cannot be shortened/ reduced in a single year. In appeal prayer was made on behalf the appellant for measuring height by an independent body. Such issue was considered and it was finally observed in paragraph 10 of **Harun Miah** (supra) that measurement taken at the time of current recruitment process needs to be considered, not the measurement taken in earlier recruitment process. According to the Hon'ble Division Bench, a plausible view was taken by the learned Single Judge in considering measurement of height taken by the authority in connection with subsequent selection process.
7. In view of issue decided in **Harun Miah** (supra), this Court finds there is no merit in this writ petition and same stands dismissed.

8. There shall be, however, no order as to costs.
9. Urgent photostat certified copy of this judgment, if applied for, be given to the parties on usual undertaking.

(SAUGATA BHATTACHARYYA, J.)