

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

05 24.4.2025
Sc Ct. no.2

WPA 26950 OF 2024

Pankaj Mahata

Vs.

Union of India & Ors.

Ms. Juin Dutta Chakraborty
Mr. Debasish Kundu
Mr. Bidan Modak
Ms. Arpita Kundu.

....For the Petitioner

Mr. Tapan Bhanja

....For the UOI

Ms. Juin Dutta Chakraborty, learned Advocate with
Mr. Debasish Kundu, learned Advocate appears for the
petitioner.

Mr. Tapan Bhanja, learned Advocate appears for
the respondents UOI.

The petitioner was an aspirant for the recruitment
of **CAPFs** for the year **2014**. He reached up to the
Physical Standard Test (PST) stage. **Annexure- P3 at
page 22** to the writ petition shows his candidature was
rejected as he did not qualify the **Chest** measurement
stipulation in terms of the employment notification.

Clause 12.5.2 of the employment notification deals
with the **Chest** measurement. The male candidate should
have **unexpanded 80 cm.** and **minimum expansion 5
cm.** whereas, the Rejection Slip at **page 22** shows the
petitioner was found to be **80-83 cm.**

Clause 12.5.5 of the employment notification provides for an **appeal remedy** by the unsuccessful candidate but the appeal should be preferred on the **same day**.

The rejection was held on **October 17, 2024** **Annexure-P4 at pages 23-24** to the writ petition shows that the petitioner preferred the appeal admittedly on **October 24, 2024**. The appeal was time barred *ex facie* in terms of **Clause 12.5.5** of the employment notification. The CRPF authority, as would be evident from **page 25** to the writ petition, had replied to the petitioner to approach the Recruitment Directorate for any reply.

Learned Advocate for the petitioner refers to **Annexure-P5 at page 26** to the writ petition and submits that the petitioner at his own instance got examination done by an outside agency, where his Chest measurement shows within the limit as prescribed under the employment notification. The said examination was done on **October 23, 2024**, on the basis whereof the appeal was preferred, as submitted on behalf of the petitioner.

Mr. Tapan Bhanja, learned Advocate appearing for the respondents submits that, the report of rejection was prepared by the experts before whom the **PSTs** is held. He also submits that the petitioner has not preferred the appeal within the time-frame as specified under **Clause 12.5.5** of the employment notification. The appeal is time barred. Therefore, he submits that there is no merit in the writ petition and the same may be dismissed.

After considering the rival contentions of the parties and upon perusal of the materials on record, it appears to this Court that, admittedly, the appeal preferred by the writ petitioner was ***grossly time barred*** in terms of ***Clause 12.5.5*** of the employment notification.

This Court in exercise of its power under judicial review cannot extend the said time-frame for preferring the appeal, as the ***Rule of the Game*** then shall be changed being the rule of the recruitment in the instant case. This is not permitted in law.

The report, ***Annexure-P5 at page 26*** to the writ petition was caused to have been prepared at the instance of the petitioner by an outside agency. When an expert body is there to conduct the recruitment procedure who has found the petitioner to be ineligible purely on a technical and medical ground on which this Court has no expertise, there is no reason to disbelieve the said rejection report by this Court. No case of *mala fide*, arbitrariness or fraud have been made out by the petitioner. The appeal preferred was grossly time barred.

In view of the above, this Court finds this writ petition being devoid of any merit. Accordingly, this writ petition, ***WPA 26950 of 2024*** stands ***dismissed***, without any order as to costs.

However, this order of dismissal shall not preclude the petitioner to approach the relevant directorate in terms of the reply of the CRPF authority appearing at

page 25 to the writ petition without creating any right or equity in favour of the petitioner.

This order of dismissal shall not have any effect whatsoever, if the petitioner chooses any other employment after being properly selected in any wing of the Defence Department.

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

(Aniruddha Roy, J.)