

03.03.2025

Item no.ML/3
Court No. 23

Asraf, A.R.(Ct.)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 28061 of 2024

DHIRAJ RAY
VS.
UNION OF INDIA & ORS.

Mr. Debasish Kundu
Ms. Paramita Datta

....for the Writ Petitioner

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

The petitioner participated in the recruitment process of Constable (GD) in Central Armed Police Forces (in short, "CAPFs"), SSF and Rifleman (GD) in Assam Rifles Examination for the year 2024.

After being successful in the Computer Based Examination (in short, "CBE"), the petitioner was called for Physical Standard Test (in short, "PST"). The petitioner has been found to be of height 169.8 cm. The criteria for height is fixed on 170 cm. The chest measurement of the petitioner is 79 cm (normal) and 84 cm (expanded). The criteria for chest measurement are 80 cm (normal) and 85 cm (expanded). Although the petitioner under the rules on being measured of 169.5 cm in

height should be treated as 170 cm which make him qualified in the height measurement but his chest measurement both normal and the expanded measurement fall short on the selection criteria. There is no provision under the rules for giving exemption to the chest measurement. Even though, the expansion is 5 cm but on both counts, i.e., normal measurement and the expansion measurement the petitioner is found to be short in the selection criteria.

The petitioner says that in the previous selection process held in 2023 for the same post the chest measurement of the petitioner was found to be 83 cm (normal) and 88 cm (expanded)

After hearing the petitioner and considering the materials on record, I find that measurement of chest in the previous examination has no bearing in respect of the measurement in the present selection process. These are disputed questions of fact which cannot be gone into in the writ jurisdiction.

In the aforesaid facts and circumstances, I do not find any merit in the writ petition. That apart in any event, the final selection list has been published on 13th December, 2024 and the

appointment procedure has either been completed or in the process of being completed. Even though the PST was conducted on 22nd October, 2024 and the writ petition was filed on 2nd November, 2024 and it cannot be said that the petitioner had approached this Court at a delayed stage yet considering that the petitioner did not succeed in the normal chest measurement as well as in the expanded chest measurement I am also not inclined to keep the writ petition pending.

The writ petition is accordingly **dismissed**, however, without any order as to costs.

(Arindam Mukherjee, J.)