

Form No.J(2)

IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE

Present :

The Hon'ble Justice Sujoy Paul

And

The Hon'ble Justice Smita Das De

FMA/964/2025

IA NO: CAN/1/2024

HARUN MIAH

VS

UNION OF INDIA AND ORS.

For the appellant : Mr. Debasish Kundu

For UOI : Mr. Ram Chandra Agarwal
Mr. Sunil Singhanian
Mr. Tapan Bhanja

Heard on : 11.09.2025

Judgment on : 11.09.2025

Sujoy Paul, J:

1. This intra-court appeal takes exception to the order of the learned Single Judge passed in

WPA/25903/2024, decided on November 29, 2024, whereby the writ petition filed by the appellant herein was dismissed.

- 2.** In the said writ petition, the petitioner has stated that he preferred his candidature for the post of Constable (General Duty) in Central Armed Police Forces (CAPs), SSF and Rifleman (General Duty) in Assam Rifles pursuant to an employment notice for the year 2024.
- 3.** It is an admitted fact between the parties that the minimum height for a candidate for the said post is 170 cms. The writ petitioner, during the selection process, was subjected to medical examination and the original Board, by Rejection Slip (Annexure 'P-4') dated September 30, 2024, measured the height of the writ petitioner (appellant herein) as "169.4 cms.". The appellant was again examined by the Appellate Medical Board on September 30, 2024 and the said Board opined that his case was reviewed and his height

has been found less than 170 cms. Hence, the appellant was declared as not qualified.

- 4.** Criticizing the said findings learned Counsel for the appellant raised two-fold submissions. Firstly, learned Counsel for the appellant submits that the Appellate/Review Medical Board gave a bald finding that the appellant's height is less than 170 cms. But what was the actual height measured by the Appellate Board is not mentioned and, therefore, the impugned finding of Appellate Board being a non-speaking one, deserves interference.
- 5.** Secondly, the appellant preferred his candidature for similar selection process in the previous year 2023 where his height was measured on May 4, 2023 and the Board recorded his height as "170 cms."
- 6.** Thus, the singular argument advanced by learned Counsel for the appellant is that there exists a variation between the height measured on May 4, 2023 and on September 30, 2024 and

height of a candidate ordinarily cannot be shortened/reduced in a single year. Thus, there exists variation in two measurements for similar selection process and hence the matter may be sent for re-examination of height by an independent body. No other point is pressed by learned Counsel for the appellant.

7. Learned Counsel for the Department, on the other hand, submits that the appellant's height was duly recorded on September 30, 2024 as 169.4 cms. The Appellate/Review Board has simply affirmed the said finding and, therefore, it was not necessary for it to record the exact height measured by them. The earlier report dated May 4, 2023 is irrelevant because it relates to a previous selection and not relates to the selection questioned herein. The actual height measured by the competent Board at the relevant time is important and not the height measured in the previous round. More so, while measuring the height of the present appellant, a photograph was

taken which shows his exact height which is duly recorded as 169.4 cms. This photograph is filed by the Department along with the affidavit-in-opposition before this Bench.

8. The parties confined their arguments to the extent indicated above. We have heard the parties at length and perused the records.
9. Admittedly, the minimum height to secure employment is 170 cms. Interestingly, the first limb of argument of the appellant was that the Appellate/Review Medical Board has not measured the height. However, the appellant himself pleaded in paragraphs 3(f) and 7 of the stay application that the Appellate Authority measured his height as 169.9 cms. It is nobody's case that principle of rounding off is applicable in the instant case and, therefore, if we can see the height measured by the original Board and the Appellate Board (as stated by the petitioner), one thing is crystal clear that the height of the appellant was found to be less than 170 cms.

- 10.** So far the previous measurement on which reliance is placed is concerned, we find substance in the argument of learned Counsel for the Department that what is important and relevant is the measurement taken at the time of instant recruitment and not the earlier recruitment process. We find no reason to disbelieve the photograph filed along with affidavit which shows that at the time of taking measurement, the height of the appellant/writ petitioner was duly recorded and reflected in the document.
- 11.** For these cumulative reasons, we are unable to persuade ourselves with the line of argument of learned Counsel for the appellant. We find no error which warrants interference in appellate jurisdiction. The learned Single Judge has taken a plausible view which deserves to be affirmed. We order accordingly.

- 12.** With the aforesaid observations, the appeal along with the connected application fails and are accordingly dismissed.
- 13.** However, there will be no order as to costs.
- 14.** Urgent photostat certified copy of this order, if applied for, be made available to the parties upon compliance with all requisite formalities.

(Sujoy Paul, J.)

I Agree

(Smita Das De, J.)

(Tanmoy Ghosh)
Assistant Registrar (Court)