GAHC010017092026

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THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : Cont.Cas(C)/99/2026

SWARAJ CHETRI AND ANR
S/O BHAKTA BAHADUR CHETRI, R/O VILL- NATUN MAITHONG, P.O- CHIKARANJAN, P.S- PENGREE, DIST- TINSUKIA, ASSAM, PIN- 786160, ROLL NO- 5102000736

2: BIKKI CHETRY
S/O CHANDRA CHETRY
R/O VILL- AMGURI GAON
P.O AND P.S- PHILLOBARI
DIST- TINSUKIA
ASSAM
PIN NO- 786160
ROLL NO.- 510201010

VERSUS

VIKAS LAKHERA, AVSM, SM AND 2 ORS.
THE DIRECTOR GENERAL, ASSAM RIFLES, NONGRIMMAW, LAITUMUKHRAH, GORALINE, SHILLONG, MEGHALAYA- 11

2:BRIGADIER RAMAN SHARMA
THE COMMANDANT
ASSAM RIFLES TRAINING CENTRE -CUM- APPELLATE AUTHORITY
SUKHOVI
DIMAPUR
NAGALAND- 797115

3:ANIL KUMAR DHYANI
THE DEPUTY INSPECTOR GENERAL (DIG)
CRPF -CUM- APPELLATE AUTHORITY
GROUP CENTRE
AMERIGOG
GUWAHATI- 2

Advocate for the Petitioner : MD H R AHMED, MR A MALEK

Advocate for the Respondent : MS. B SARMA(R3), MRS S BARUAH(R1)

BEFORE
HONOURABLE MRS. JUSTICE SHAMIMA JAHAN

ORDER

05.11.2026

1. Heard Mr. H.R. Ahmed, learned counsel appearing for the petitioners. Also heard Ms. S. Baruah, learned Government Advocate appearing for the respondent No.1 & 2 and Ms. B. Sarma, learned counsel appearing for the respondent No. 3.

2. By this application filed under Sections 11 and 12 of the Contempt of Courts Act, read with Article 215 of the Constitution of India, the petitioners have raised a grievance that the respondents have wilfully disobeyed and deliberately violated the order dated 24.10.2025 passed by this Court in W.P.(C) No. 6048/2025.

3. The case of the petitioners is that pursuant to an advertisement issued for recruitment to the posts of Constable (GD) in the Central Armed Police Forces (CAPFs) and SSF, Rifleman (GD) in Assam Rifles and Sepohy the petitioners participated in the selection process. It is stated that the petitioners were called for the Computer-Based Written Examination which they duly appeared in and successfully cleared. Thereafter, upon successfully qualifying in the written examination, the petitioners were called for the Physical Efficiency Test (PET) and Physical Standard Test (PST) which they duly appeared in and successfully completed.

4. It is stated by the petitioners that the prescribed minimum height for male

candidates belonging to categories other than Scheduled Tribe (ST) is 165 cm. The petitioners claim that their actual height is 165 cm. However, according to the petitioners, their height was arbitrarily measured and recorded as 163.8 cm and 164.3 cm in respect of petitioner Nos. 1 and 2 respectively. Consequently, their candidature was rejected on the said ground on 22.08.2025 and 23.08.2025 respectively.

5. Aggrieved by the said rejection, the petitioners approached this Court by filing a writ petition being WP(C) No. 6048/2025. This Court, vide order dated 24.10.2025, disposed of the said petition by directing the petitioners to prefer an appeal before the competent authority within a period of two weeks. In compliance with the said direction, the petitioners preferred an appeal before the appellate authority on 30.10.2025.

6. It is the case of the petitioners that the appellate authority has not passed any order on the appeal preferred by them.

7. The learned counsel appearing for the petitioners submits that other similarly situated candidates had also approached this Court and pursuant to the directions issued by this Court, had preferred appeals before the appellate authority. Their appeals were duly considered and their heights were re-verified, pursuant to which some of them were found eligible. He, however, submits that in the case of the present petitioners no order was passed by the appellate authority. Referring to the affidavit filed by respondent Nos. 1 and 2, he submits that it has been stated therein that the appellate authority received the order dated 24.10.2025 passed by this Court belatedly by which time the height re-verification of the other similarly situated candidates had already been completed. As such, the height of the present petitioners could not be re-

verified. He further submits that no reasoned order has been passed by the appellate authority on the appeal preferred by the petitioners.

8. On the other hand, Ms. S. Baruah, learned Government Advocate appearing for respondent Nos. 1 and 2 submits that there has been no wilful violation of the order passed by this Court. She submits that the order passed by this Court in respect of the present petitioners was received at a later point of time than the orders passed in the cases of other similarly situated candidates and by the time the order was received, the process of height re-verification had already been completed. Consequently, the height of the present petitioners could not be re-verified. She, however, submits that an opportunity may be granted to the respondents to re-verify the height of the petitioners by duly considering the appeal preferred by them.

9. Ms. B. Sharma, learned counsel appearing for respondent No. 3 submits that respondent No. 3 is merely the nodal agency and that the entire exercise of height verification and re-verification is undertaken by respondent Nos. 1 and 2. She further submits that respondent No. 3 had duly communicated to respondent Nos. 1 and 2 to comply with the order passed by this Court. As such, she submits that there has been no violation of the order of this Court on the part of respondent No. 3.

10. It is noticed that in their affidavit-in-opposition, the respondents have stated that in the cases of other similarly situated candidates, orders were passed by this Court in September 2025. Pursuant to the appeals preferred by those candidates, the respondents considered their cases and conducted height re-verification. Upon finding some of the candidates eligible, the respondents proceeded to take the consequential steps in their favour.

11. It is further noticed that this Court vide order dated 24.10.2025 had categorically directed the petitioners to prefer an appeal before the appellate authority and had further directed the appellate authority to dispose of the said appeal by passing a reasoned order as expeditiously as possible. However, it is seen that the appellate authority has not passed any order on the appeal preferred by the petitioners till date. The reason assigned by the respondents for not conducting the re-verification is that, by the time the appeal preferred by the petitioners was received the process of re-verification had already been completed. However, irrespective of the status of the re-verification process, it was incumbent upon the appellate authority to consider the appeal preferred by the petitioners and pass a reasoned order thereon, which the appellate authority has failed to do.

12. However, Ms. Baruah submits that there has been no wilful violation of the order passed by this Court and that due to a misunderstanding, the appeal preferred by the petitioners was inadvertently left unattended without any order being passed thereon. She further submits that the respondents may be granted an opportunity to re-measure the height of the petitioners in accordance with the applicable rules.

13. In view of the above, this Court deems it appropriate to direct respondent Nos. 1 and 2 to consider the appeal preferred by the petitioners and dispose of the same by passing a reasoned order within a period of 1 (one) month from the date of this order. The respondents shall thereafter take the necessary consequential steps within a further period of 2 (two) months. In the event the petitioners are found eligible upon re-verification of their height, the respondents shall take the necessary steps in accordance with the applicable

rules.

14. With the aforesaid observations and directions, the contempt petition stands closed.

JUDGE

Comparing Assistant