

S/L 10
31.03.2026
Court No.04
B.K.N

**M.A.T. 303 of 2026
With
CAN 1 of 2026**

**The West Bengal Police Recruitment Board & Ors.
Vs.
Amana Khatun & Ors.**

*Mr. Kalyan Bandopahdyay, Sr. Adv.,
Mr. Vimal Kumar Shahi, Ld. AGP
Mr. Arka Kr. Nag,
Ms. Susmita Chatterjee
Ms. Deboleena Ghosh,
Ms. Sneha Sarkar*

...for the W.B. Police Recruitment Board.

*Mr. Robiul Islam,
Mr. Kazi Ardan Ali,
Ms. Asmita Mitra,
Mr. Masooq Rahman,
Mr. Mayukh Saha*

...for the Writ Petitioners/Respondents.

1. Heard the learned advocate for the appellants and the learned advocate for the writ petitioners/respondents.
2. The writ petitioners herein were candidates in the recruitment process conducted by the Board for appointment of Constables. In the process of recruitment they have failed in the Physical Measurement Test (PMT). Their height has been found deficient.
3. The learned advocate for the writ petitioners submitted before the Writ Court, as is being submitted before us that the petitioners had participated in an earlier recruitment process also conducted by the same Board, when the height measurement was more than what has been measured in the present recruitment process. The variation is alleged to be about 1 c.m. Since they were having a higher measurement in the earlier recruitment process, it is submitted that the measurement in the

present recruitment process resulting in a lower assessment and their disqualification is unsustainable.

4. The petitioners were prevented by some circumstances from availing the remedy of appeal in terms of the advertisement, before the Chairperson of the Selection Board/Committee, on the date of PMT. Since they were barred and their appeal was not accepted, they have been deprived of their opportunity and remedy of appeal under the advertisement. The Hon'ble Single Judge, therefore, rightly allowed the petitioners an opportunity to prefer an appeal and directing for Physical Measurement of the writ petitioners afresh.
5. The learned advocate also relied upon a decision of the Division Bench of the Delhi High Court in the case of ***Surendra –Vs.- Union of India & Ors*** in ***W.P.(C) 14455 of 2025***. A copy of the order dated 19.09.2025 passed in the said case has been passed on to the Court after due service upon the learned advocate representing the respondents.
6. The learned senior advocate for the respondents on the other hand submits that there is no acceptable case made out in the writ petition founded on any details or specific allegations against any individual so as to lay the foundation of an allegation that they were prevented/debarred from exercising their option for appeal.
7. We find force in such submission of the learned senior advocate, which is borne from the record.

8. We further would take notice of a fact that the petitioners, if at all they were debarred from availing the remedy of appeal, having regard to the nature of the stake involved being an employment, they would diligently have taken steps either on the same day or the next day to raise such an issue before the authority, which they have not done.
9. They have all joined together in filing a writ petition much later and, therefore, there is no scope for an allegation founded on any material to sustain such an allegation that they were debarred from availing the remedy of appeal.
10. Insofar as the decision of the Delhi High Court is concerned, the judgment is delivered in respect of a different recruitment process and is not a decision of a coordinate Bench of this Court.
11. We further find that no illegality or infirmity was raised by the writ petitioners, regarding the process by which the PMT was conducted. There is also no specific allegation of malafide.
12. In the totality of circumstances we find no justification being made out by the writ petitioners/appellants for not availing the remedy of appeal. Since they have chosen not to avail such remedy and no other case is made out in the writ petition, we do not see any justification for allowing them any further opportunity *dehors* the provisions contained in the advertisement.

13. It is trite law that elimination is inherent in the process of recruitment. Insofar as the elimination is as per the procedural prescription, uniformly applied for all candidates, as has been done in the present case, a Writ Court exercising the judicial review under Article 226 of the Constitution of India should normally refrain from interfering. The Writ Court may interfere in case of a specific procedural illegality vitiating the fairness in the recruitment process or if a specific malafide is made out.
14. There being no such case made out, the directions of the Hon'ble Single Judge as contained in paragraph 7, 8 and 9 of the judgment under appeal in our opinion are unsustainable.
15. We also take into consideration that if the order is allowed to stand it would also open a flood gate of similar litigation impeding the recruitment process for appointment of Constables, and, therefore, opposed to public interest.
16. The appeal is allowed. Pending application is also disposed of accordingly.
17. The order passed in the writ petition is set aside.
18. Urgent Photostat Certified copy of this order, if applied for, be supplied to the parties upon compliance with all necessary formalities.

(Madhuresh Prasad, J.)

(Prasenjit Biswas, J.)