

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

Present :- Hon'ble Justice Amrita Sinha

WPA 28051 of 2024
CAN 1 of 2025

Sujan Mallick
Vs.
Union of India & Ors.

For the writ petitioner	:- Mr. Debasish Kundu Ms. Juin Dutta Chakraborty Mr. Bidan Modak Mr. Sudepto Kumar Basu
For the Union of India	:- Mr. Ram Chandra Agarwal Mr. Tapan Bhanja Mr. Sourav Pal
Heard on	:- 10.04.2026
Judgment on	:- 10.04.2026

Amrita Sinha, J.:-

1. The petitioner participated for appointment as Constable (GD) in the recruitment process of CAPFs, SSF and Rifleman (GD) in Assam Rifles Examination, 2024. He was found deficient in height. The height of the petitioner was recorded 169.3 cm. the required height is 170 cm. the petitioner appeared in a similar recruitment process in an earlier occasion when his height was recorded 170.4 cm.
2. As per the recruitment rules, a candidate aggrieved by the ground of rejection has the right to prefer appeal in writing to the appellate

authority on the same day through the Presiding Officer. The decision of the Appellate Authority has to be taken as final.

3. In the instant case, the petitioner filed appeal via email one month after the examination took place and his candidature stood rejected.
4. Learned advocate for the petitioner submits that the respondent authorities ought to have responded to the appeal preferred by the petitioner via email. The authority waited for an indefinite period of time without considering the appeal.
5. Reliance has been placed on the judgment delivered by the Hon'ble Division Bench of this Court on June 19, 2025 in FMA 886 of 2025 [**Prosenjit Modak vs. Union of India & Ors.**] wherein the Court took note of the fact that the appellant had appeared in a similar examination on an earlier occasion and his height was recorded more than the height that was found on the subject date. Under such facts, the Court directed the authority to re-consider the height of the candidate.
6. In another matter the Hon'ble Division Bench vide order dated June 16, 2025 in MAT 322 of 2025 [**Koushik Barman vs. Union of India & Ors.**] inter alia held that without relying on technicalities, the authority ought to consider the appeal on merits in accordance with law. Order was passed accordingly.
7. It has been submitted that the petitioner ought to be given the benefit of re-examination of height as this is his last chance to appear in the recruitment process. It has been submitted that the

petitioner was found qualified on account of height in a similar recruitment process held in the year 2021.

8. The petitioner prays for a direction upon the respondents to re-measure his height.
9. The submission and prayer of the petitioner has been opposed by the learned advocate representing the Union of India.
10. It has been submitted that the petitioner did not prefer the appeal in accordance with the recruitment rules and deliberately waited for a month to file the same. Had the petitioner been aggrieved he ought to have preferred the appeal on the same day or soon thereafter. If the prayer of the petitioner is accepted, then there may be several candidates whose belated appeal may also have to be considered by the authority.
11. It has been submitted that the recruitment process of the year 2024 is long over and by now the recruitment process of 2025 is also over.
12. Reliance has been placed on the judgment of the Hon'ble Division Bench of this Court on September 11, 2025 in FMA 964 of 2025 [**Harun Miah vs. Union of India & Ors.**] wherein the Court held that the measurement taken at the relevant date and time of the recruitment process is important.
13. Prayer has been made to dismiss the writ petition.
14. I have heard and considered the submissions made on behalf of both the parties.

15. As per the recruitment rules, the aggrieved candidate is required to file the appeal before the Appellate Authority through the Presiding Officer on the selfsame day. The petitioner did not file the appeal on the date on which his candidature stood rejected on account of deficient height. The appeal has filed long after the prescribed period.
16. In a public recruitment process there are several candidates who appear in the examination. The mode and manner of measurement of height is done in a standard way by a particular instrument following the prescribed rules. The machine and the instrument by which the measurements are taken remains the same in respect of all the candidates. The same is required for the purpose of maintaining uniformity in measurement.
17. It may be that the petitioner may record a separate height if measured in a different machine. There may be several candidates who may have failed to qualify in the measurement because of not reaching the prescribed limit. If the prayer of the petitioner is to be accepted and the appeal filed nearly a month after his rejection is directed to be re-considered, then there may be several other candidates who may also approach the Court seeking similar relief.
18. If the measurement of the petitioner recorded on the date of the examination is found to be erroneous after re-measurement, then it has to be taken that the measurement of all the participants who were measured on the said date by the said machine is erroneous.

The entire recruitment process will be jeopardised is such a finding is arrived at.

19. In the matter of Koushik Barman (*supra*), the Court noticed that the appeal by the candidate was filed through email on the same date of the examination. It is only on that ground that the Court directed the authority to consider the appeal.
20. In the matter of Prosenjit Modak (*supra*), the Court noticed that the candidate's measurement was found to reach the qualifying limit in the earlier examination where he participated and on that ground the Court directed re-measurement of height.
21. In a later decision in the matter of Harun Mia (*supra*) by the Hon'ble Division Bench of the same strength the Court held that the measurement taken on the relevant date and time is important.
22. This Court is of the opinion that the measurement taken on the spot of the examination ought to be taken into consideration for measurement for the purpose of assessing the height of the candidate solely for maintaining uniformity, fairness and transparency in the recruitment process. Relying on measurement taken on a different date by a different machine, benefit ought not to be given to a candidate in a public recruitment process.
23. Moreover, the recruitment process of the year 2024 is submitted to have been concluded long back. It will not be proper to direct re-measurement of the height of the petitioner all over again. This

Court is not inclined to accept the prayer of the petitioner seeking re-measurement.

24. In view of the above, the writ petition along with the connected application fails and is hereby dismissed.
25. Parties to act on the basis of the server copy of this order duly downloaded from the official *website* of this Court.
26. Urgent certified photocopy of this judgment, if applied for, be supplied to the parties or their advocates on record expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)

SD