

S/L 15
05.05.2026
Court No.18
SD

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

WPA 29842 of 2024

Joydeb Halder

Vs.

Union of India & Ors.

Mr. Debasish Kundu

Mr. Bidan Modak

Mr. Sudepto Kumar Basu

...for the Petitioner.

Mr. Ram Chandra Agarwal

Mr. Tapan Bhanja

...for the Union of India.

1. The petitioner participated for recruitment as Constable-GD in Central Armed Police Forces (CAPFs), SSF and Rifleman (GD) in Assam Rifles Examination 2024.

2. He was directed to appear in the physical standard test conducted on October 19, 2024. He stood disqualified on account of deficiency in height. The height of the petitioner was found 169.5 cm. The minimum height required for selection as per the recruitment rules is 170 cm.

3. Learned advocate for the petitioner relies on clause 2(d) of the guidelines of recruitment for medical examination in CAPF and Assam Rifles mentioning that while measurement of height, fraction of 0.5 cm less will be ignored and rounded off to the next higher cm.

4. Submission is that as the petitioner recorded 169.5 cm, his height ought to be rounded off to 170 cm. in terms of the above guideline.

5. Learned advocate for the petitioner relies on the judgments delivered by the Hon'ble Supreme Court on April 13, 2026 in Civil Appeal No.(s) 4423-4426/2026 SLP (C) Nos.13390-13393/2026 Diary No.68753/2025 [Union of India & Ors. vs. Atul Kumar Verma & Ors.] and on April 30, 2026 in SLP (C) No.4221/2026 [Arun Kolmodiya vs. Union of India].

6. It has been submitted that as the law has been laid down by the Hon'ble Supreme Court, the principle of rounding off ought to be applied in case of the petitioner.

7. The aforesaid submission and prayer of the petitioner is opposed by the learned advocate representing the Union of India.

8. It has been submitted that the petitioner, being dissatisfied with the measurement of height, ought to have preferred the appeal on the selfsame date. The petitioner instead of preferring appeal before the authority filed the instant writ petition affirming the same on December 12, 2024. The merit list in question was published on December 13, 2024.

9. According to the respondents, the writ petition ought to be dismissed on the ground of delay.

10. As regards, the judgment passed by the Hon'ble Supreme Court, it has been submitted that the subject recruitment process took place in the year 2024. Judgment relied upon by the petitioner was delivered by the Hon'ble Supreme Court only in April 2026. The

effect of the judgment of the Hon'ble Supreme Court ought not to apply retrospectively to the examination which is already over.

11. Upon hearing the submission made on behalf of both the parties and on perusal of the documents placed before this Court, it appears that the petitioner applied for the recruitment examination in the year 2024.

12. The rejection slip of the petitioner clearly specified that if the candidate is dissatisfied with the ground of rejection in the physical standard test, then appeal may be preferred to the appellate authority on the same day through the Presiding Officer. The decision of the appellate authority will be final and no further representation will be accepted/entertained.

13. Admittedly in the instant case, the petitioner did not prefer any appeal before the authority. The petitioner ought to have approached the appellate authority with his prayer for rounding off. Without doing the same, he approached the writ court directly, that too, at a belated stage. The time for preferring the appeal was on the date of the examination. The writ petition has been affirmed only in December 2024.

14. Had the petitioner preferred the appeal on time, the authority may have accepted the prayer of the petitioner seeking rounding off. The petitioner did not give this opportunity to the respondents and approached this Court directly. Such stand of a

unsuccessful candidate in a public recruitment process ought not to be accepted, or else the entire process of filing the appeal will become redundant.

15. Unsuccessful candidates in any recruitment process will take the opportunity to approach the writ court without exhausting the remedy for appeal in terms of the recruitment rules.

16. The merit list of the successful candidates was published on December 13, 2024 and the vacancies of the year 2024 have since been filled up. The remaining vacancies have been carried forward to the next recruitment process of the year 2025 which is nearing completion by now.

17. As regards the application of the judgment of the Hon'ble Supreme Court, this Court is of the opinion that effect of such judgment ought not to be applied retrospectively to an examination which stood concluded long ago, or else, there may be several other unsuccessful candidates who may approach the Court seeking re-opening of the process which stood concluded. The judgment will certainly apply prospectively as there is no direction in the judgment that the same will apply retrospectively to the recruitment processes which stood concluded long ago.

18. In view of the above, no relief can be granted to the petitioner in the instant writ petition. The writ petition fails and is hereby dismissed.

19. Parties to act on the basis of the server copy of this order duly downloaded from the official *website* of this Court.

20. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Amrita Sinha, J.)