

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10140 of 2023

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Pooja Singh, D/o Mithlesh Singh, permanent resident of Ward No. 20 Mushkipur Kothi Jamalpur P. Jamalpur Gogri District Khagaria at present resides at Block C-4/412 Mahesh Gard Line, Indore, Madhya Pradesh.

... .. Petitioner/s

Versus

1. The State of Bihar through the Home Secretary, Government of Bihar, Patna.
2. The Chairman, Central Selection Board of Constable, Sardar Patel Bhawan, 6th Floor, Block-A/626, Jawaharlal Nehru Marg, Patna.
3. The Officer on Special Duty, Central Selection Board of Constable, Sardar Patel Bhawan, 6th Floor, Block-A/626, Jawaharlal Nehru Marg, Patna.
4. The Director General-cum-Commandant General Home Guard and Fire Services, Bihar, Patna.
5. The Director-cum-State Fire Officer, Bihar, Patna. 6. The Additional Director-cum-Assistant State Fire Officer, Bihar, Patna.
7. The Deputy Inspector General-cum-Deputy Commandant General Home Guard and fire Services, Bihar, Patna.

... .. Respondent/s

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Service Law—Selection—on post of constable—appellant declared successful in the final selection list for appointment on the post of Agnik (constable) under the Bihar Agnishaman Service—appellant was not appointed—minimum height required for the category of the appellant was 155 centi meters—appellant had pasted the coins of Carrom Board (game) beneath her heels to make her reach the minimum height of 155 centi meters as required by the advertisement—on measurement, her height was found to be 154 centi meters which was below the minimum required height of 155 cm—appellant having been discovered to have used unfair means while measurement of her height by the authorities—LPA dismissed.

(Paras 6 to 8)

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1406 of 2023

In
Civil Writ Jurisdiction Case No.10140 of 2023

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Pooja Singh Daughter of Mithlesh Singh, R/o Ward No. 20, Mushkipur Kothi, Jamalpur, P.S.- Jamalpur, Gogri, District- Khagaria at present resident Block-C-4/412, Mahesh Gard Line, Indore, State-Madhya Pradesh.

... .. Appellant/s

Versus

1. The State of Bihar through the Home Secretary, Government of Bihar, Patna.
2. The Chairman, Central Selection Board of Constable, Sardar Patel Bhawan, 6th Floor, Block-A/626, Jawaharlal Nehru Marg, Patna.
3. The Officer on Special Duty, Central Selection Board, 6th Floor, Block-A/626, Jawaharlal Nehru Marg, Patna.
4. The Director General-cum-Commandant General Home Guard and Fire Services, Bihar, Patna.
5. The Director-cum-State Fire Officer, Bihar, Patna.
6. The Additional Director-cum-Assistant State Fire Officer, Bihar, Patna.
7. The Deputy Inspector General-cum- Commandant General Home Guard and fire Services, Bihar, Patna.

... .. Respondent/s

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Appearance :

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| For the Appellant/s | : | Mr. Ajay Kr Singh No.1, Advocate |
| For the Respondent/s | : | Mr. Sanjay Kumar Ghosarvey, A.C. to AAG 3 |
| For the C.S.B.C. | : | Mr. Binod Kumar Mishra, Advocate |
| | | Mr. Vivek Anand Amritesh, Advocate |

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE PARTHA SARTHY)

Date : 01-07-2024

1. Heard learned counsel for the appellant and learned counsel for the respondents.

2. The instant appeal has been preferred against the judgment and order dated 6.10.2023 passed in CWJC no.10140 of 2023.



3. The case of the appellant in brief is that inspite of having been declared successful in the final selection list for appointment on the post of Agnik (constable) under the Bihar Agnishaman Service, the appellant was not appointed and as such she approached this Court by filing the writ application. It is the case of the appellant that marginal deficiency was noticed in her height which was determined to be 154 centimeters against the required height in her category which was 155 centimeters.

4. It was submitted by learned counsel for the appellant that in case the height of the appellant is re-measured, it will be found to be 155 centimeters which is the prescribed height. The authorities concerned committed an error in measurement of her height and the learned Single Judge in the writ application should have allowed the same directing for the appellant's appointment or at least directing the respondents to constitute a Board and again measure the height of the appellant.

5. Learned counsel for the respondents in reference to paragraph no. 4 of the order rejecting the writ application, submitted that it would be evident from the communication dated 15.5.2023 (Annexure-7 to the writ application) that the



appellant was found resorting to illegal means to overcome the deficiency in her height and as such she was not entitled for any relief and the learned Single Judge rightly rejected her application.

6. Having heard learned counsel for the parties and having perused the material on record, this Court finds that pursuant to Advertisement no.1 of 2021 dated 22.2.2021 issued by the Central Selection Board (Constable Recruitment), the appellant applied for appointment on the post of Agnik (Constable). As stated above, the minimum height required for the category of the appellant was 155 centimeters. It further transpires from the contents of the letter no.6321 dated 15.5.2023 (Annexure-7 to the writ application) written by the Additional Director-cum-Assistant State Fire Officer, Bihar, Patna that at the time of measurement of her height it had transpired that the appellant had pasted the coins of Carrom Board (game) beneath her heels to make her reach the minimum height of 155 centimeters as required by the advertisement. On measurement, her height was found to be 154 centimeters which was below the minimum required height of 155 cm.

7. Having heard learned counsel for the parties and having perused the material on record, the appellant having also been



discovered to have used unfair means while measurement of her height by the authorities as is borne out from the aforesaid letter dated 15.5.2023, the Court finds no merit in the instant appeal.

8. The appeal is dismissed.

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

Bibhash

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