

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18833 of 2018

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Priyanka Kumari D/o Rajehwar Singh, Resident of Village- Ramsingh Chatauni, Rupdih, East Champaran and Presently Resident of Room No.- 11, Block- C, New Family Quarter, B.M.P.-5, P.S.- Airport, P.O.- B.V. College, District- Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Home (Special) Bihar, Patna.
2. The Director General of Police, Bihar, Patna.
3. The Inspector General of Police, Head Quarter, Bihar, Patna.
4. The Add. Director General of Police(HQ), Bihar, Patna.
5. The Commandants, B.M.P., Patna.
6. The Chairman, Central Selection Board (Constable Recruitment) Sri Sai Tara Complex, I.A.S Colony, Jawahar Lal Nehru Marg, Bihar, Patna.
7. The Secretary, Central Selection Board (Constable Recruitment), Sri Sai Tara Complex, I.A.S Colony, Jawahar Lal Nehru Marg, Bihar, Patna.

... .. Respondent/s

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Claim of wrong measurement of height by petitioner—examination for selection and appointment on post of Police Sub-Inspector—standard height is a question of fact—have to be decided by recording evidence.

Held: If the suit is filed by petitioner—Civil Court must dispose it preferably within a period of 6 months from date of institution of the suit.

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- 7. The Secretary, Central Selection Board (Constable Recruitment), Sri Sai Tara Complex, I.A.S Colony, Jawahar Lal Nehru Marg, Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar, Advocate
Mr. K.R, Jha, Advocate
Mr. Sanjay Kumar, Advocate
For the Respondent/s : Mr. GA
For the CSBC : Mr. Sanjay Pandey, Advocate
Mr. Binod Kumar Mishra, Advocate
Mr. Vivek Anand Amrithesh, Advocate

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT
Date : 08-04-2024

Heard learned counsel for the petitioner and learned counsel for the Bihar Police Sub-ordinate Service Commission.

2. The present writ petition has been filed for directing the respondents to re-measure the height of the petitioner as she claims that her height is 156 c.m., but the



respondent has wrongly measured his height as 153.5 c.m.

3. Learned counsel for the petitioner submits that the petitioner has participated in the examination for which advertisement was published by the respondents *vide* advertisement no.1/2017 for the selection and appointment on the post of Police Sub-Inspector. Counsel also submits that the petitioner participated in the examination and after completing two phase examination, i.e., preliminary examination and main examination, she was declared successful and she was allowed to appear for the physical test examination. Counsel further submits that the authorities measured her height as 153.5 c.m. incorrectly due to which, the petitioner could not be selected.

4. Learned counsel for the petitioner submits that initially the petitioner's height was 153.5 c.m. and thereafter, the height was measured again and it was found that it is 151.1 c.m. Counsel further submits that a direction for re-measurement of height of the petitioner may be made as the petitioner's height is 156 c.m.

5. Learned counsel for the State opposes the prayer of the petitioner and submits that with regard to dispute relating to height, a ratio has been decided by by Division Bench of this Court in case of *Ritu Kumari Vs. The State of Bihar & Ors.*



passed in Letters Patent Appeal No. 895 of 2014 dated 20.10.2014 in which it has been held that:-

“what is the height of the petitioner-appellant and whether her height is of required standard or not are questions of fact and have to be decided by recording evidence.”

6. In the light of the submissions made, this Court has no option but to decide this case in the light of the decision of the Division Bench and accordingly, this writ petition stands disposed off. And if, the suit is filed by the petitioner, the Civil Court shall deal with the suit expeditiously and dispose the same preferably within a period of 6 months from the date of institution of the suit.

7. With the aforesaid observations and directions, this writ petition is hereby disposed off.

(Dr. Anshuman, J)

Mkr./-

AFR/NAFR	AFR
CAV DATE	NA
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