

(2013) 09 JH CK 0007

In the Jharkhand High Court

Case No : Writ Petition (S) No. 3489 of 2012

Chandra Shekhar Chaubey

APPELLANT

Vs

The State of Jharkhand and Others

RESPONDENT

Date of Decision : 21-09-2013

Acts Referred:

Citation : (2014) 1 JLJR 31

Hon'ble Judges : Aparesh Kr. Singh, J

Bench : Single Bench

Advocate : R.K. Roy, for the Appellant;

Final Decision : Dismissed

Judgement

Aparesh Kr. Singh, J.—Heard learned counsel for the parties. The petitioner has approached this Court with a grievance that the respondents be directed to consider his case for appointment on the post of police constable in the district of Chatra, as according to him, he has been declared successful.

2. The petitioner is said to have participated in an exercise for appointment of police constable under Advertisement No. 1/2004 vide Annexure-1, issued for employment in the districts of State of Jharkhand. According to the petitioner, his height is 177.5 cms. and he possessed the qualification of intermediate. As such he has obtained 19 points i.e. 12 points for height and 7 points for educational qualification. He has applied for selection from Hazaribagh. It is the contention of the petitioner that in similar matters relating to divergence in the measurement of height of such candidates, this Court has directed for such re-measurement by the office of Chief Medical Officer-cum-Civil Surgeon of the concerned district. Therefore, the respondents be directed to undertake an exercise of re-measurement of the petitioner's height as there is quite difference in the measurement carried out by the respondents and that claimed by the petitioner.

3. Respondents in their counter affidavit have stated that the writ petitioner's height was measured and found 177 cms. during the selection exercise. He has

the educational qualification i.e. intermediate and had applied under the general non-home guard category. The petitioner has obtained 18 points, 11 points for his height and 7 points for his qualification. The cut-off marks for appointment as a constable in general non-home guard category is 19 points. Therefore, he was not considered for appointment. It is further stated on behalf of the respondents that advertisement was related to the year 2004 being Advertisement No. 1/2004 and the appointment process under the said advertisement had been closed by the order as contained in Annexure-B to the counter affidavit dated 18.8.2010 issued by the Deputy Inspector General of Police (Personnel), South Chotanagpur Range, Ranchi under the direction of Director General of Police-cum-Inspector General of Police, Jharkhand. Learned counsel for the respondents, therefore, submits that the petitioner has approached this Court in 2012 and this letter dated 18.8.2010 may not have been brought to the notice of the Hon''ble Court in earlier case of which judgment is relied by the petitioner.

4. I have heard counsel for the parties and gone through the relevant materials on record. The petitioner is seeking a direction upon the respondents for appointment as constable under advertisement issued in the year 2004 vide Annexure-1, being Advertisement No. 1 /2004. The measurement exercise undertaken by the respondents during selection process found the petitioner having 177 cms. height, for which he obtained 11 points and as per his educational qualification of intermediate he was awarded with 7 points totaling 18 points, one point less than the last selected candidate. The appointment also appears to have been closed by the letter dated 18.8.2010, Annexure-B to the counter affidavit. The petitioner has approached this Court in the year 2012 after almost 8 years of the said advertisement. It also appears that the fact that the appointment exercise had been closed vide Annexure-B dated 18.8.2010 does not appear to have been brought to the notice of the learned Single Bench of this Court, while such a direction was passed in the judgment relied upon by the petitioner.

5. In such circumstances, at this stage, after almost 9 years of the said advertisement, when the appointment process had been closed by the letter dated 18.8.2010 by a conscious decision of the respondents, no ground for issuance of a direction for carrying out such re-measurement of the petitioner is made out in the matter for consideration of his case for appointment under the said advertisement. Accordingly, this writ petition is dismissed.