

(2023) 01 JH CK 0028

In the Jharkhand High Court

Case No : Writ Petition (S) No. 5822 Of 2022

Dinesh Kumar Tiwari

APPELLANT

Vs

Union Of India And Ors

RESPONDENT

Date of Decision : 20-01-2023

Acts Referred:

Constitution Of India, 1950 — Article 226

Citation : (2023) 01 JH CK 0028

Hon'ble Judges : Ananda Sen, J

Bench : Single Bench

Judgement

Ananda Sen, J

1. The petitioner is seeking employment in BSF. He appeared in combined examination. The petitioner appeared before the Board where his height was measured.
2. It is the case of the petitioner that he passed all tests. While his height was being measured, his height was found to be 169.6 cm, whereas the cut off was 170 cm. and on this ground, he was disqualified. It is also the case of the petitioner that he got his height measured by the Civil Assistant Surgeon Medniray Medical College Hospital, Medininagar, Palamau, wherein, his height was found to be 170 cm.
3. The petitioner approaches this Court praying therein that the recording of his height during combined examination is incorrect.
4. Normally, in this type of matter, the Court refrains from exercising the jurisdiction under Article 226 of the Constitution of India, but in this case, I find that on one hand, during combined examination, his height was measured and found to be 169.6 cm., whereas in the certificate, which is issued by Government Doctor of Medniray Medical College Hospital, Medininagar, Palamau, his height was found to be 170 cm. Thus, either one of the recordings is incorrect.

5. To ascertain as to which recording is incorrect, before proceeding any further against the person, who has given incorrect information, this matter was kept today for appearance of the petitioner in person so that his height can be measured. Today, the petitioner appears in person before this Court.
6. I direct the Commandant, JAP-I to measure the height of the petitioner today under the supervision of the learned Registrar General of this Court and submit a report to this Court indicating the actual height of this petitioner.
7. The report should be placed before this Court on 24.1.2022. This order has been passed in presence of learned ASGI and learned AAG-II.
8. AAG-II will immediately inform the Commandant, JAP-I about this order. The Registrar General of this Court will also inform the Commandant, JAP-I to measure the height of this petitioner today itself.
9. Let copy of this order be immediately handed over to the ASGI, the AAG-II and the counsel for the petitioner as well as learned Register General.
10. Petitioner is directed to appear before learned Registrar General immediately along with a copy of this order.
11. List this case on 24.01.2023 under the heading "For Orders".