

Court No. - 39

Case :- WRIT - A No. - 7898 of 2020

Petitioner :- Sanoj Kumar

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- Agnihotri Kumar Tripathi

Counsel for Respondent :- C.S.C.

Hon'ble Ashwani Kumar Mishra,J.

Petitioner has applied for grant of appointment in the Civil Police as Constable pursuant to advertisement dated 16.11.2018. The petitioner has qualified written test but his height was found below the minimum height specified in the rules. As per the determination so made petitioner is before this Court. Reliance is placed upon an order passed in Writ Petition No.1637 of 2020, Pawan Kumar and others vs. State of U.P. and others.

Except to state that petitioner's height has not been correctly determined there is no other material to doubt the determination of height made by the competent authority at the stage of physical standard test. This Court in the case of Bhanu Pratap Rajput vs. State of U.P. and others being Writ Petition No.14195 of 2018 has already examined statutory rules and has observed that determination of height at the stage of physical standard test attaches finality and such determination is not open to challenge unless there are exceptional circumstances. The order which has been relied upon by petitioner's counsel refers to some contrary reports available on record. In the facts of this particular case no such contrary report has been shown or highlighted. A Division Bench of this Court in State of U.P. vs. Rahul reported in 2016 (3) ADJ 327 has otherwise held that Writ Court should ordinarily not interfere in matters of determination of height of candidates. In such circumstances and particularly in view of the fact that no material has otherwise been shown to doubt the correctness of determination of height made by the competent authority at the stage of physical standard test no interference is called for.

Writ petition lacks merit and is dismissed.

Order Date :- 30.9.2020

Ashok Kr.