

22nd April., 2026
Item no.D/L 05
Court No. 18
Pradip, A.R.(Ct.)

In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

Case No. **WPA 7901 of 2026**

In the matter of:
Akash Kumar Shaw *Petitioner*
VS.
The Union of India & Ors. *Respondents*

For the Petitioner:
Mr. Sunny Nandy
Mr. Tomal Singha Roy
Ms. Yamini Tiwari
Mr. Manmohan Singha Roop Roy *Advocates*

For the Union of India:
Mr. Brijendra Pratap Singha
Ms. Banani Bhattacharya *Advocates*

1. Affidavit of service filed in Court today is taken on record.
2. The petitioner participated in the recruitment examination under the Director General, Border Security Force. He has been declared unfit on account of deficit height.
3. The petitioner's height was recorded as 167.1cm. The minimum height required for recruitment is 168cm.
4. Submission of the petitioner is that in the earlier examination held by CAPF authority, where the petitioner participated, his height was recorded as 168cm.
5. The petitioner contends that his height has been erroneously recorded in the present recruitment process.

6. Prayer has been made to direct the authority to treat him as qualified in height relying upon the measurement taken in the earlier physical standard tests conducted by the authority of the CAPFs.
7. The aforesaid submission and the prayer of the petitioner is opposed by the learned advocate representing the respondents.
8. It has been submitted that if the petitioner was aggrieved by the recording of his height, he ought to have preferred an appeal on the same date before the appellate authority. The petitioner failed to do so.
9. It has further been submitted that the height recorded in any earlier examination cannot be taken up for consideration in the current recruitment process.
10. I have heard the submissions made on behalf of both the parties.
11. Admittedly, it appears that the petitioner did not prefer any appeal challenging the recording of his height on the day of the examination. He directly approached this Court with the instant writ petition.
12. The Hon'ble Division Bench on 11th September, 2025 in FMA 964 of 2025 in the matter of Harun Miah Vs. Union of India & Ors. was pleased to hold that the recording of measurement on the day of the examination is relevant and any recording in the earlier examination cannot be taken up for consideration.
13. In view of the law settled by the Hon'ble Division Bench, the Court is not inclined to accept the prayer of the petitioner for considering his height recorded in the earlier examination.

14. Prayer has been made to grant liberty to the petitioner to prefer an appeal before the appellate authority. Such prayer cannot be accepted by the Court in view of the condition that an appeal has to be preferred on the self-same day when the examination is conducted.
15. The subject examination was conducted on 14th March, 2026 and today the prayer of the petitioner for preferring the appeal does not merit consideration.
16. In view of the above, no relief can be granted to the petitioner in the instant writ petition. The writ petition fails and is hereby dismissed.
17. Parties to act on the basis of the server copy of this order duly downloaded from the official *website* of this Court.
18. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Amrita Sinha, J.)