

Tribunal Application
Judgement on 3.5.2010
W.P.S.T. 544 of 2009.

Points:

Scope of writ: After a lapse of 17 years whether writ court can direct for fresh physical measurement for being considered in selection-Service Law

Facts:

The physical measurement of the said petitioner was not properly taken by the concerned authority. The petitioner herein was found deficient both in required weight and chest measurement by the Selection Board. The learned Tribunal going through the relevant records also found no irregularity and/or illegality in the aforesaid decision of the respondent authorities.

Held:

After long lapse of almost 17 years, it is not possible to issue any direction for taking fresh physical measurement of the petitioner. Para-4

Mr. Yamin Ali.

...For the Petitioner.

Mr. M. M. Das,

Mr. Mrinal Kanti Sardar.

...For the State.

The Court:

This writ petition has been filed challenging the order dated 15th May, 2009 passed by the learned West Bengal Administrative Tribunal in case number O.A.1646 of 2007 whereby and whereunder the said learned Tribunal dismissed the application on contest.

2) It has been specifically alleged on behalf of the petitioner that the physical measurement of the said

petitioner was not properly taken by the concerned authority.

3) The petitioner herein was found deficient both in required weight and chest measurement by the Selection Board.

The learned Tribunal going through the relevant records also found no irregularity and/or illegality in the aforesaid decision of the respondent authorities.

4) After long lapse of almost 17 years, it is not possible to issue any direction for taking fresh physical measurement of the petitioner.

5) Therefore, at this stage, after long lapse of 17 years, we are unable to allow the prayer of the petitioner for issuing any direction to the competent authority for fresh measurement of the chest and weight of the said petitioner.

6) For the aforementioned reasons, we refuse to grant any relief to the petitioner.

This writ petition, therefore, stands dismissed as we do not find any merit in the same.

In the facts of the present case, there will be no order as to costs.

(Pranab Kumar Chattopadhyay, J.)

(Pranab Kumar Deb, J.)