

29.07.2026
Ct. No.18
Sl. No.7
akd

W. P. A. 16288 of 2026

[Md. Nasir Hossen Mondal -Vs- Union of India & Ors.]

Mr. Sabyasachi Bhattacharjee
Mr. Suman Nandi
Mr. Sudip Roy

... ... for the petitioner

Mr. Ram Chandra Agarwal
Mr. Tapan Bhanja

... ... for the UOI

1. Affidavit-of-service filed in Court today is taken on record.
2. The petitioner was a successful candidate and was thereby recruited as a Constable in the CISF Unit, DSP Durgapur. The petitioner had cleared his written examinations, the Physical Efficiency Test (PET), and the Physical Standard Test (PST). Though the petitioner was found to be short by 0.4 cms. at 169.6 cms., he was declared as qualified by the authorities adding 0.4 cms., thereby qualifying the benchmark parameter of 170 cms.
3. Pursuant to his appointment, the petitioner joined the service on probation with the CISF Unit, DSP Durgapur, sometime in December 2024.
4. As is permissible under the law, the petitioner as a probationer was subjected to further investigation during training period sometime in May 2026. The petitioner had to undergo re-measurement, when he was found to be 169.6 cms. However, the petitioner was terminated from service on June 19, 2026 on the ground that he was 169.6 cms. and was,

therefore, disqualified as not having met the benchmark parameter of 170 cms.

5. In addition thereto, the authorities held him guilty under Rule 25(2) of the Central Industrial Security Force Rules, 2001 (hereinafter referred to as ‘CISF Rules, 2001’). Under this afore-stated Rule, the petitioner, while on probation, is liable to be discharged from service if he is found not fit for permanent appointment [Rule 25(2)].

6. As pointed out by Mr. Sabyasachi Bhattacharjee, learned Advocate appearing for the petitioner, the petitioner had not furnished any false information nor was the petitioner declared to be unfit. The benchmark parameters for fitness have been met by the petitioner and the only reservation, which remained the same in respect of the height.

7. The height of the petitioner as found by the concerned authority in October, 2024, at the time of the petitioner's physical test was 169.6 cms. As it appears from the order of termination dated June 19, 2026, the petitioner's height has been found to be 169.6 cms. on re-measurement.

8. The recruiting authorities had already given the relaxation, which is permissible under the applicable guidelines being *F. No.-E.32012/ADG (Med)/DME & RME/DA-1/2020 (Part File)/1166, Government of India/Bharat Sarkar, Ministry of Home Affairs/Grih Mantralaya (Police-II Division)* dated May 31, 2021 [as revised].

9. Clause 2(d) specifies as under :-

“2. General Instructions For Recruitment Board
a) *** *** ***
b) *** *** ***
c) *** *** ***
d) *** *** while measuring height fraction of cm less that 0.5 will be ignored and 0.5 cm & more will be rounded off to the next higher cm. *** ***”

10. Applying the relaxation thereto, the authorities had relaxed the petitioner's case as it was a fraction less than 0.5 cms. In fact at the time of the second measurement, it was the same and necessarily had to be rounded off to the next highest centimeter which is 170 cms. in the instant case.

11. The authorities passing the order of termination on June 19, 2026 have clearly glossed over Clause 2(d) of the afore-stated Memo and have proceeded to terminate the services of the petitioner without any finding as to why Rule 25(2) of the CISF Rules, 2001 should be applicable.

12. The termination order is clearly vitiated as it does not take into account the applicable Clause 2(d) and instead proceeds to rely upon certain rule of the CISF Rules, 2001, which have not been substantiated, particularly since the petitioner had not furnished any false or incorrect statement at the time of recruitment. There is no such finding that the petitioner had furnished any such information at the time of recruitment. Merely stating the provisions without factually substantiating the same cannot be construed as a reasoning for terminating the services of the petitioner.

13. In view of the afore-stated, the letter of termination dated June 19, 2026 is set aside.

14. The petitioner will be reinstated in service and will continue to be in probation and will be subject to the applicable Rules and Regulations for the remainder of his tenure of probation, till confirmation. The petitioner will be entitled to his uninterrupted service from June 19, 2026. The break caused by the letter of termination will not be construed as an interruption

in his service and he will be entitled to continuity of service as if the letter of termination did not exist.

15. With the afore-stated directions, WPA 16288 of 2026 is disposed of.

16. There shall be no order as to costs.

17. All parties are directed to act on a server copy of this order duly downloaded from the official *website* of this Court.

(Reetobroto Kumar Mitra, J.)