September 24,2026
Item no. 5
Court No.11
sujata

MAT 1077 of 2026
With
CAN 1 of 2026

Union of India & Ors.
vs.
Harish Barman & Ors.

Mr. Brijendra Pratap Singh,
Ms. Banani Bhattacharya,
...for the Appellants (UOI).

Mr. Debasish Kundu,
...for the Respondent no.1

1. This is an application under Section 5 of the Limitation Act for condonation of delay in preferring the instant appeal. As there is no serious objection by the respondent in allowing the said application, we are condoning the delay in preferring the instant appeal. Accordingly, the application is allowed. The appeal be registered accordingly.
2. Upon consent of the parties both the application and appeal is taken up for hearing.
3. According to the learned advocate for the Union of India/Appellants, the Hon'ble Apex Court in the case of **Union of India & Ors. Vs. Atul Kumar Verma & Ors**. in Civil Appeal No(s) 4423-4426/2026 SLP (C) Nos. 13390-13393/2026 and Diary No. 68753/2025 has already settled the controversy pending in the present case.
4. As per decision of the Hon'ble Apex Court, a candidate who participated in the process of recruitment of constables (GD) in the force as his height if found/measured as 169.5 centimetres and above, then 0.5 would have to be ignored and 169.5

and more would have to be rounded off to the next higher centimeter. Such candidate cannot be disqualified on ground of less height, if they are 169.5 centimetres or above.

5. The Hon'ble Apex Court passed such order in an appeal in identical circumstances as arising for consideration in the present case.
6. The learned advocate for the appellants fairly submits that since the writ petitioner was not found to be below 169.5 cm. during his height measurement, therefore, nothing survives in the present appeal.
7. Since, the appeal has become infructuous in view of the above noted decision of the Hon'ble Apex Court, the same is accordingly disposed of.
8. Pending application, if any, also stands disposed of.
9. Urgent Photostat certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Partha Pratim Roy, J.) **(Tapabrata Chakraborty, J.)**