



Serial No. 02
Daily List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C) No. 450 of 2022

Date of order: 02.04.2025

Ex No. G/5026613 Recruit (General Duty) Female, Ruthi Chinngainoum Zou, aged about 32 years, D/O Late Haukhanthang Zou, Vill. & P.O.- Moreh, District- Chandel, Manipur, Pin- 795131

... Petitioner

- Versus -

1. Union of India represented by the Secretary to the Govt. of India, Ministry of Home Affairs, New Delhi – 110001
2. The Director General, Assam, Rifles, Head Quarter Directorate General Assam Rifles, Shillong- 793011
3. The Commandant, Assam Rifles Training Centre & School, Dimapur, Nagaland, Pin- 797115.

....Respondents

Coram:

Hon'ble Mr. Justice I.P. Mukerji, Chief Justice

Appearance:

For the Petitioner : Mr. S. Pandey, Adv.
Ms. P. Chettri, Adv.

For the Respondents : Dr. N. Mozika, DSGI with
Ms. K. Gurung, Adv.

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| i) | Whether approved for reporting in Law journals etc.: | Yes/No |
| ii) | Whether approved for publication in press: | Yes/No |



JUDGMENT: (per the Hon’ble, the Chief Justice) (Oral)

The case of the writ petitioner calls for a more detailed analysis and more compassionate consideration.

Right from her inception in service, the writ petitioner joined Assam Rifles as Rifleman (General Duty) female on 12th February, 2015. On complaining of pain around her left hip on physical exercise and exertion, she underwent diagnosis and the diagnosis was of a case of “OLD HEALED PERTHE’S DISEASE WITH COXA MAGNA (LT) HIP.”

Based on the recommendation of the Invaliding Medical Board, she was invalidated out of service. A writ petition was preferred in the High Court of Manipur. It was disposed of by that court by directing the appellate authority to consider and dispose of the appeal filed by the writ petitioner in accordance with law within a period of two months by passing a speaking order. The decision is the impugned order before me dated 11th September, 2017 which was passed by the Director General, Assam Rifles. The Director General opined – that the Department had correctly ruled invaliding the writ petitioner from service.

One line in the opinion of the medical board at page 20 of the affidavit-in-opposition, begs for a fresh consideration of this matter. Against Sl. No. 1 of the report “Does the disabilities exist before



entering service?” the answer of the Medical Board is “No”. This report needs to be considered more extensively and the matter given a relook.

The impugned order of the Director General dated 11th September, 2017 is set aside.

I hereby constitute a Medical Board as follows:

- (i) One medical specialist in the field from the State government health service to be nominated by the Meghalaya government;
- (ii) One medical specialist to be nominated by the Director General;
- (iii) One shall be a specialist medical private practitioner to be agreed upon by the Director General and the State government’s health service representative in the panel.

The Medical Board will address the issue, hear the writ petitioner, consider all documents and make its recommendation to the Director General within two months of communication of this order. The Medical Board will pointedly address two issues whether the disease in question was contracted before the writ petitioner’s joining service or after joining service. If it was acquired after joining service,



what is the percentage of disability suffered by the writ petitioner? The Director General shall consider the recommendation and any other evidence that is before him and pass a reasoned order within three months of receipt of the report of the Medical Board.

The writ petition is, accordingly disposed of.

(I.P. Mukerji)
Chief Justice