

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 12950 of 2008

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Upendra Prasad Singh son of Sri Prit Narayan Singh of village Bhawakath
P.O. + P.S. Parraha District Khagaria.

.... Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar,
Patna.
2. The D.G. of Police, Bihar, Patna.
3. The D.I.G. of Police Eastern Range, Bhagalpur.
4. The Superintendent of Police, Bhagalpur.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Teg Bahadur Singh
Mr. Nirmala Kumari
Mr. Purnendu Nr.Singh

For the Respondent/s : AC to Addl. Advocate General - 2

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2. 03-09-2015 Heard learned counsel for the petitioner and learned
A.C. to Addl. Advocate General – 2.

The petitioner, invoking writ jurisdiction of this Court under Article 226 of the Constitution of India, has prayed for directing the respondents to conduct re-medical test by the medical board and if he is found fit by the medical board, appoint him as Constable, since he was selected for being appointed as Constable, which is evident from **Annexure – 3** to the writ petition.

Fact remains that pursuant to an advertisement, which was published in the year 2004, the petitioner applied and in physical test, he qualified and thereafter, vide Annexure – 3 to the writ petition i.e. letter contained in memo no. 17 dated 08-02-2008

the petitioner was intimated to report joining in Police Centre, Bhagalpur on 13-02-2008 with relevant documents including a passport size photograph. Vide Annexure -3, it was made clear that only in case of being found fit in medical examination, he will be allowed to join.

Learned counsel for the petitioner submits that in the medical examination, which was held at the time of joining, the petitioner was not found fit and as such, he was not allowed to join. A plea has been taken that the petitioner got himself examined at Jawahal Lal Nehru Medical College & Hospital, Bhagalpur, where he was found fit. On this plea, it has been prayed for directing for re-medical test and allow the petitioner to join.

Fact remains that at the time of medical test, which was conducted at the time of joining, the petitioner was not found fit. The said test was held on 13-02-2008. After lapse of such a long period, it would be difficult for this Court to direct for re-medical test of the petitioner for the purposes of appointment.

I do not find any ground to pass any positive order.

The writ petition stands dismissed.

(Rakesh Kumar, J.)

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