

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11808 of 2013

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Roushan Kumar son of Arun Sharma, r/o village Bira P.S. Hulasganj
District Jehanabad.

.... Petitioner/s

Versus

The Union of India & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Adv.

For the Respondent/s : Mr. Ravinder Kumar Sharma, CGC

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL ORDER

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13-01-2015

Heard learned counsel for the petitioner and the

Union of India.

It appears that the petitioner has appeared for appointment of constable for Para-Military Force of the Union of India before the Staff Selection Commission, Allahabad. After completion of the written and physical test, he was declared successful and was put to medical test. There the Medical Board found orthopedic deficiency as follows:

B/L small 3rd, 4th and 5th toes.

The petitioner again appeared before the Review Medical Board and there also the same deficiency was found and his candidature was rejected.

Petitioner got himself examined by a civilian Doctor, namely, Dr. Sunil Kumar Bijpuria who on examination, gave his report that there is no abnormality in 3rd, 4th and 5th toes and recorded his finding as follows: "In my opinion, this is an error of judgment due to the following reason. There is no question of

smoothness of the toe rather it is a normal variation.

It appears that the Medial Board of the Armed Forces repeatedly declared the petitioner to be medically unfit for appointment to any post of Armed Force but the civilian Doctor has given report of no abnormality and the 3rd, 4th and 5th toes have normal variation.

This Court finds that in many case the Medical Board of the Armed Force declares candidate medically unfit whereas when examined by civilian Doctor they give the finding in favour of the candidate.

In this view of the matter, this Court feels it is prudent and equitable that the petitioner should approach the Commandant, (Medical) Forces Head Quarter, R.K.Puram, New Delhi -66 along with this order and he will constitute a Medical Board and get the petitioner examined by the Medical Board and the opinion of the Medical Board will be final medical test. If the petitioner is found fit, it goes without saying that the case of petitioner will be considered and the authorities will take a decision in accordance with law.

With this observation/direction, this petition is disposed of.

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(Shivaji Pandey, J)