

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7157 of 2014

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Md. Shahid Roll o. 3205009777 son of Sri Md. Islam Resident of village
AND P.O- Mirzapur Via AND P.S- Barauni, District- Begusarai

.... Petitioner/s

Versus

1. The Union of India through the Secretary, Statt Selection Commission, C.G.O. Complex, Block No. 12 Lodhi Road, New Delhi.
2. The Secretary, Staff Selection Commission, CGO Block No. 12, Lochi Road, New Delhi.
3. The Staff Selection Commission through the Regional Director, Department of Personal and Training 8A/- B Bailey Road, Allahabad
4. The Regional Director, Staff Selection Commission (Central Regional, 8A/B, Baily Road, Allahabad- 211002
5. The Deputy Director, Staff Selection Commission (Central Regional, 8A/B, Baily Road, Allahabad- 211002.
6. The Inspector General, BSF, North Bengal F.I.R. Post Kadamtola, District Darjeeling, West Bengal.
7. The Inspector General BSF, Campus, Kishanganj (Khajra Camp), Post and District Kisanganj, Bihar.
8. The Medical officer, I.G. B.S.F. North Bengal, FIR Post Kadamtola, District Darjeeling, West Bengal.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Mrityunjay Kumar, Adv.
Mr. Ranjan, Adv.

For the UOI : Mr. Rajesh Kumar Verma (CGC)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

3 10-03-2015 Heard learned counsel for the parties as with regard to
the following prayer made in this writ application:-

"1. *That this is an application for issuance of an appropriate writ(s), directing the respondents to publish the result of the Medical re-examination of the petitioner held by the review Medical Board on 30.10.2011, for the post of constable (G.D.) in B.S.F./CISF/CRPF/SSB and other consequential reliefs for which the petitioner is entitled.*"

(underlining for emphasis)

Pursuant to the earlier order of this Court dated

9.2.2015, relevant portion whereof reads as follows;

"When this Court would find that there is complete variance in the pleadings made by the petitioner as with regard to his claim of appearing before the Review Medical Board on 30.10.2011, inasmuch as, in the representation which was filed by the petitioner on 12.01.2013, not a word was said that the petitioner has appeared before the Review Medical Board but in the writ application in paragraph no. 14, the petitioner claims to have appeared before the Review Medical Board on 30.10.2011 and not on 31.10.2011, it would be very difficult to accept such stand on behalf of petitioner unless documentary evidence is brought by the petitioner of his appearing before the Review Medical Board. As a matter of fact this writ application was filed quite belatedly on 10.04.2014, as with regard to a cause of action which had arisen for him on 31.10.2011.

That being so, this Court would allow the prayer for adjourning this case for a period of three weeks in order to enable the petitioner to file supplementary affidavit enclosing evidence of his appearing before Review Medical Board on 30.10.2011.

In the meantime, learned counsel for the respondents may also obtain instructions and produce before this Court the appearance sheet of the petitioner before the Review Medical Board on 30.10.2011 and/or 31.10.2011. It is made clear that if it is found that the petitioner has tried to mislead this Court by making a false statement, his writ application would not only be dismissed but he would become liable to pay heavy costs."

while learned counsel for the petitioner has not filed any supplementary affidavit stating that the petitioner had appeared before the Review Medical Board on 30.10.2011 and not on

31.10.2011, he in fact has now come out with a different case by filing an interlocutory application that there is a typographical error in the writ application regarding petitioner appearing before the Review Medical Board on 30.10.2011 which ought to have been 31.10.2011.

Learned counsel for the respondents however have produced original appearance-sheet of the petitioner before the Review Medical Board which would go to show that the petitioner had appeared before the Review Medical Board on 31.10.2011 and was declared medically unfit.

In view of the above, though there is a clear case is made out for the petitioner being saddled with a heavy cost as already indicated in the earlier order dated 9.2.2015 but, then, a prayer has been made by the learned counsel for the petitioner to condone the said error on the part of the petitioner and a prayer is also made to withdraw this writ application.

That being so, this writ application is dismissed as withdrawn with a clear warning to the petitioner that in future he shall not make any misleading statement before any court of law.

(Mihir Kumar Jha, J)

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