

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8418 of 2014

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Priyanka Kumari D/o Jai Shankar Singh Resident of village - Saidpur, P.S.
Mansi, District - Khagaria

.... Petitioner

Versus

1. The Union of India through the Secretary Home Department New Delhi
2. The Secretary, Staff Selection Commission (Central Region) Lowther Road, Allahabad
3. Commandant Kh STPP KAHALGAON
4. Assistant Commandant CISF Unit Kh STPP Kahalgaon
5. Inspector General, Border Security Force North Bengal Ftr., Kedamtata Dargeeling, West Bengal

.... Respondents

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Appearance :

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

For the Respondent/s : Mr. Anjani Kumar Sharan, CGC

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL JUDGMENT

2 23-02-2015 Heard learned counsel for the parties.

Having regard to the prayer of the petitioner in this writ application reading as follows:

“(i) For setting aside the Review Medical Examination Report dated 13.3.2014 by which petitioner was declared unfit for post of constable (4D)-2013 in CAPFs.

(ii) For direction to respondent to appoint on the post of constable (GD) 2013 in CAPFs.”

and also upon hearing the learned counsel for the petitioner as with regard to solitary prayer that such report of the Review Medical Board dated 13.3.2014 should be hold as bad and the respondents should be directed to constitute an independent Medical Board, the same has to be only noted for its being



rejected. As per prescribed medical standard in the Border Security Force there is a provision for medical examination of the candidate at the time of their recruitment and if for any reason the first Medical Board rejects the candidates by declaring him or her medically unfit there is a provision for Review Medical Examination. In the present case the petitioner was declared medically unfit by the first Medical Board and when she went for her Review Medical examination, the Review Medical Board had also declared her unfit on four grounds. There is nothing for this Court now to hold that those four grounds are either invalid or bad because the petitioner had also not enclosed any prescribed standards under which the petitioner can be said to have been medically fit.

This Court in exercise of power under Article 226 of the Constitution of India cannot sit as an appellate authority over the report of the Medical Board or Review Medical Board and therefore, when there is nothing to show that the report of the Medical Board was wrong for any reason, this writ application must be held to be ill-advised.

It is, accordingly, dismissed.

(Mihir Kumar Jha, J)

surendra/-

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