

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8587 of 2015

Umesh Ram S/o Shri Anandlal Ram, R/o Vill. & P.O. Tisiouta Dharampur, P.S. Tisiouta, District- Vaishali (Bihar), Ex-Army Personnel, NK/Barber

.... Petitioner/s

Versus

1. The Union of India, through the Secretary, Ministry of Defense (Army Personnel),
2. Sri S.K. Singh Karnal, Principal Sainik School Gopalganj
3. The Principal Sainik School Gopalganj, Post- Hathua, Dist. Gopalganj, Bihar
4. Patna Medical College Hospital, Patna
5. The Medical Officer Army Hospital Danapur Cant, Patna

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Ram Shankar Das
For the Respondent/s : Mr. Sanjay Kumar (ASG)

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 10-09-2015

10.09.2015

Heard learned counsel for the parties.

Petitioner filed the writ application when his son was not offered admission in Army School, Gopalganj, despite having successfully passed the written examination and was selected for interview. However, according to the petitioner, for extraneous reason, his son was shown to be medically unfit and maliciously denied admission. It is the case of the petitioner that the petitioner has taken opinion from PMCH, which is annexed as Annexure-3, which does not point out any medical unfitness of the kind declared by the Medical Board.



Counsel for Union of India was directed to file counter affidavit. They have categorically taken a stand that besides the medical unfitness of the petitioner, which was found by the medical board, even a review medical board was held, which concurred with the unfitness found by the original medical board. In addition to that they have taken a stand that the over all merit position and the performance of the petitioner did not bring him within the ambit of successful candidates and, therefore, even though the petitioner's ward had qualified in the written examination, the reason for non-grant of admission is obvious.

If the petitioner had obtained a medical opinion from a medical board, which had a varying kind of opinion on the opinion rendered by the army medical board, the Court may have considered referring the matter for yet another opinion, but a prescription obtained from the OPD Department of PMCH cannot be said to be a material on which this Court would like to override the opinion of the two medical boards constituted by the army.

In addition to that since the petitioner did not have the requisite merit position on the basis of the marks obtained by him in the written examination, therefore, the hue and cry raised by the petitioner with

regard to the correctness or otherwise of the medical board's opinion is also misplaced.

In the above circumstances, the Court cannot give any direction for taking admission of the petitioner's ward in the army school in question.

Writ application has no merit, it is dismissed.

(Ajay Kumar Tripathi, J.)



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