

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13904 of 2014

=====

1. Pratima Kumari D/O Umesh Paswan, R/O village- Saidpur, P.O.+P.S.- Ghoshi, District- Jehanabad

.... Petitioner/s

Versus

1. The Union of India
2. Chairman, Staff Selection Commission (CR) 21-23, Lawther Road, Allahabad- 211002, U. P.
3. Deputy Director (Examination), Staff Selection Commission (Central Region), 21-23, Lawther Road, Allahabad- 211002, U. P.
4. Commandant CRPFs, Mokamaghat, Bihar, Patna
5. C.M.O., Central Board, CRPF Base Hospital, ITBP, New Delhi

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Rina Sinha, Adv.

For the Respondent/s : Mr. Sanjay Kumar, AAG

=====

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

4 07-01-2015 Heard learned counsel for the petitioner and the respondents.

The grievance of the petitioner is that she has wrongly been deprived of the selection on the post of constable, (GD) in CAPFS.

It is the case of petitioner, she applied for the post of constable in Central Arms Police Force (in short, 'Police Force') and was issued Admit Card and she appeared in the examination vide Roll No. 3206517039. She was declared to have passed the written test as well as the physical test and was put to medical examination on 16th January 2014 at Mokamaghat where the Doctor declared her suffering from UPT positive & Myopia (poor vision) beyond permissible limit. It was challenged by the



petitioner and her case was referred to the reviewing Board at Base Hospital of ITBP Tigri Camp, New Delhi on 10th March 2014. There she was examined by the Board and the doctor declared her fit of eye sight and she was handed over a report dated 11th March 2014. Again she was called for medical test on the same day and was declared UPT positive, meaning thereby she was pregnant at that time. Again she herself got examined at Sadar Medical Hospital, Jehanabad where the doctor did not find any sign of pregnancy and issued a report dated 6th March 2014(Annexure-6).

Counsel for the petitioner submits that even if she was pregnant at the relevant time, she cannot be deprived of consideration for appointment as constable as pregnancy can be termed as temporary disablement cannot be a permanent disablement, so much so she was again examined by the Medical Board at Jehanabad where she was not found pregnant and as such, the ground shown by the authorities is per se illegal and cannot be sustained. It has further been stated while filling up form she has shown her marital status as married and she has every right to have her own child. In the Selection Rule there is no prohibition that a married woman being pregnant would not be considered for appointment.

Counsel for the Union of India has fairly submitted that there is nothing in the Rule which prohibits a pregnant female

candidate from being selected as constable and the only rider is that a person who cannot stand in physical training will not be enrolled.

Having considered the rival contention of parties, this Court is of the view that earlier the petitioner was declared unfit on the ground of Myopia as well as pregnancy but at Base Hospital, ITBP, New Delhi she was declared fit of eye sight. So far pregnancy test is concerned, there is no bar that a lady showing positive sign of pregnancy will not be selected, as there is no such rule debarring such female, so much so, pregnancy cannot be a permanent disablement rather it is a temporary disablement so much so a doctor at Jehanabad did not find any sign of pregnancy.

In such view of the matter, this Court directs the petitioner to approach CMO, Central Board, CRPF Base Hospital, ITBP Tigri Camp, New Delhi along with copy the order of this Court who will be obliged to constitute a Medical Board where she will be examined about her physical fitness, if she is declared fit, there is no reason that the petitioner will be deprived of the right which she secured by virtue of having succeeded in the written as well as physical examination.

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

Jay/-

U			
---	--	--	--

(Shivaji Pandey, J)