

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.883 of 2014

1. Poonam Kumari D/O Devendra Prasad Singh, W/O Virchand Prasad Singh Resident Of Village + P.O. Bishunpur Bande, Bhagwanpur, District - Vaishali At Hazipur

.... Petitioner/s

Versus

1. The State Of Bihar Through Principal Secretary, Education Department, Government Of Bihar, Patna
2. The Director, Primary Education, Government Of Bihar, Patna
3. The Regional Deputy Director Of Education, Tirhut Division, Muzaffarpur
4. The District Education Officer, Vaishali At Hazipur
5. The District Programme Officer (Establishment), Vaishali At Hazipur
6. The Block Education Officer, Block - Chehrakala, District - Vaishali At Hazipur

.... Respondent/s

Appearance :

For the Petitioner/s : Mr.Rajendra Prasad Singh & Mr. Shashi Bhushan Kumar

For the Respondent/s : Mr. Arbind Kumar

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
ORAL ORDER

4 19-02-2015 On 3rd February, 2015, the Court recorded the submission of the learned senior counsel that the petitioner was not subjected to any kind of medical board examination in terms of Annexure-9, and if any opinion had been rendered by the board in the name of physical examination for disability of the petitioner, it was a misnomer.

It was in this background and the seriousness of the allegation so made by the petitioner, the Court directed the Civil Surgeon-cum-Chief Medical Officer, Vaishali, to produce the

original file relating to the medical board, which was conducted in terms of Annexure-9, specially with regard to the present petitioner.

The Civil Surgeon has deputed two medical officers attached with the Civil Surgeon Office with the original records to assist the Court on the issue. They have appeared before the Court and produced the original file relating to holding of the medical board for assessment of disability of the petitioner. The original file indicates the name of the petitioner along with whole lot of others , who were subjected to the said test. The evidence is available in more than one way with regard to the participation of the petitioner for the said physical examination on the date in question before the board.

When the learned senior counsel is confronted with the materials, he submits that such a statement was made on the basis of instruction given by the assisting counsel, who, in turn, puts the blame on the petitioner.

The petitioner has been very very irresponsible in making such allegation and insinuation against the office of the Civil Surgeon and the members of the medical board who conducted the physical examination to test the extent of disability of the petitioner, which was the subject matter of dispute.



The background is that the petitioner was initially appointed as an Assistant Teacher, but because certain controversy arose with regard to disability of not only this petitioner but large number of other candidates, a decision was taken to subject such persons for fresh medical examination. The medical examination did produce evidence that the original disability percentage did not match with the actual disability which the petitioner possesses as per the new medical board. To overcome the said situation, the petitioner took a outlandish plea that there was no medical board and just a medical certificate on behalf of the board was created so as to overcome her loss of her job.

This obviously shows that an attempt was made by the petitioner to cling on to the public employment by adopting a tactics which is not appreciable and which is condemnable. The petitioner's disability does not match the minimum requirement of such appointment on a public post. Whatever is required to be done has been done. No interference is warranted, in view of the satisfaction of the Court after verification of the original records that the medical board was held and the report of the medical board is not procured or created kind, but after subjecting the petitioner for a physical check by the competent doctors available.

In view of the same, the writ application is dismissed. Since the petitioner is unemployed now, the cost of only Rs.5000/- (five thousand) is imposed on her which shall be payable within six weeks to the High Court Legal Services Committee or else the same may be recovered by the District Magistrate, Vaishali as a land revenue, which can be utilized by a person in need.

The petitioner is further cautioned and warned to conduct herself with certain responsibility if she initiates proceeding before the High Court. It is waste of precious judicial time as well as the Government servants' time on this kind of frivolous allegations which were made irresponsibly.

The personal presence of two medical officers are dispensed with. The original file is returned to them for safe keeping.

The writ application stands dismissed.

B.Roy/-

(Ajay Kumar Tripathi, J)

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