

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8179 of 2014

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Deepak Kumar S/o Arun Kumar Sharma resident of village and Post Office
- Pirapur, P.S. Jhandaha, District - Vaishali

.... Petitioner/s

Versus

1. The Union of India
2. The DGP CRPF, CGO Complex, Lodi Road, Pin - 110003, New Delhi
3. The Commandant, Head Quarter / 167 / BN CRPF, Kolkatta, Pin - 700001
4. DIGP CRPF, Group Centre, Muzaffarpur, Pin - 842001 (Palamu)
5. Commandant, HQ/134?BN CRPF, Daltonganj, Pin - 822101

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Alok Ranjan, Adv & Mr. Ashok Kumar
Yadav, Adv

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

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL JUDGMENT

2 20-02-2015 Heard learned counsel for the parties as with

regard to the following relief, prayed in this writ

application:-

“For issuance of appropriate writ (s)/order (s)/direction (s) particularly in the nature of mandamus directing and commanding the respondent authorities to consider the case of petitioner for grant of promotion and consequential benefit attached to it and further directing the respondents authorities to allow the petitioner to complete his course of ROBC (Radio Operator Basic Course) as he was declared passed/he qualified in the test for persuing the course of ROBC.”

Learned counsel for the petitioner, Mr. Alok

Ranjan, learned counsel for the petitioner in support of

the aforementioned prayer has submitted that once the



petitioner had cleared the necessary test for being allowed to join the Radio Operator Basic Course (ROBC), which in turn could have bolstered the case of the petitioner for grant of promotion, the authorities of CRPF were require to take a final decision but from the counter affidavit, it would be evident that no such final decision has been taken has yet.

On the other hand, learned counsel appearing on behalf of the respondents has taken a plea that as a matter of fact the petitioner was examined by the Medical Board on 12.08.2012 and was declared to be colourblind. According to him, such disqualification of the petitioner by the Medical Board would disentitle him to join the ROBC course.

In the considered opinion of this Court, when neither party has brought on record the medical standard and requirement for joining of ROBC course, this Court will have to proceed on the basis of the pleadings on record. The respondent themselves in paragraph nos. 8

and 9 of the counter affidavit have stated as follows:-

“That before dispatch of the petitioner for the said course at 04 Bn his AME was conducted on 30.09.2011 (validity of earlier AME was expired) and categorized as SIH1A1P1EX with recommendation that he may be sent to standing Eye Board after taking approval from medical directorate for categorization of “E” factor for awarding final shape category.

That prior to dispatch of the petitioner, the matter was intimated to 04 Signal Bn under info to DIGP, Range, HQ G/Noida (The then Adm. Authority) vide office Signal no. C.IX.01/2011-EC-1 dated 13.10.2011 with request to intimate whether he was eligible to undergo sub course of otherwise so that the petitioner could be sent to attend the course. 04 Sig. Bn also sought same clarification to DIG Signal range vide signal No. C.IX.1/2011-EC-6 dated 14.10.2011. But no clarification was received from the concerned. 04 Signal Bn. DIG Range G/Noida (The then Adm authority) and DIG (Comn) were repeatedly requested to intimate whether the petitioner is eligible to undergo sub course or otherwise vide office Signal No. C.IX. 2/2011-EC-I-167 dated 13.10.2011 but due to non-receipt of any decision about his eligible or not for sub course from higher authority, he could not be sent to attend the said course which was scheduled to be started w.e.f 10.10.2011.”

This Court would therefore find that he Respondents themselves have given an indication that the case of the petitioner was still pending for consideration and awaiting the instructions of the competent authority.

In that view of the matter, this Court without going into the merits of the issue involved herein would direct the competent authority to take a final decision in

accordance with law as with regard to the claim of the petitioner being allowed to join ROBC course within a period of three months from the date of receipt of this order.

With the aforementioned observation and direction, this application is disposed of.

(Mihir Kumar Jha, J)

Ranjan/-

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