

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15984 of 2012

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Anand Prakash Singh Son Of Tribhuwan Singh Resident Of Vill.- Jaunapur,
Motiour, P.O. Jaunapur, P.S. Patori, Dist.- Samastipur

.... Petitioner/s

Versus

1. The Union Of India, Through The Director General Of Central Reserve Police Force, C.G.O. Complex, Lohi Road, New Delhi
2. The Inspector General Central Reserve Police Force Digha, Patna
3. The Deputy Inspector General Recruitment, Central Reserve Police Force, C.G.O. Complex Lodhi Road, New Delhi
4. The Deputy Inspector General Group Centre, Central Reserve Police Force, Jhaphan, Muzaffarpur

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Singh, Advocate.

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

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 19-01-2015

Heard learned counsel for the petitioner and learned
counsel for the union of India.

In the present writ petition petitioner is claiming that he
has wrongly been declared medically unfit on the ground of
Hypertension. The fact remains that when he was examined by
the Civilian Doctors they did not find any error or medically
unfitness on the ground of Hypertension. Petitioner has applied
for the post of constable in CRPF where he succeeded in
physical test as well as in the written examination and when he
was declared successful, he was placed for medical



examination. At first instance he was declared medically unfit on the ground of Varicose Vein and Hypertension (Annexure-2). When he himself was examined by Civilian Doctors, namely, Dr. A.B. Sahay (Surgeon Sadar Hospital, Samastipur, Dr. Suresh Kumar (Medical Officer, Mohiuddin Nagar), Dr. Anil Singh (Divisional Medical Officer, N. Railway) and Dr. Durga Prasad (Assistant Medical Officer, Mohiuddin Nagar, all of them have tested and found him fit for the post of constable in CRPF and did not find any disease or error as pointed out by the Board of Doctors at Muzaffarpur. On the strength of this certificate petitioner filed an appeal and the appellate authority also found that he was not suffering from Vari Cose Vein but suffers from Hypertension and declared him unfit.

Against the finding of the appellate authority petitioner has moved this Court vide C.W.J.C. No. 11698 of 2011, there this Court directed to file a representation before the authority enclosing relevant documents on which he was placing reliance and directed for disposal of the representation preferably within ten days.

In pursuance of the aforesaid direction, the petitioner filed representation and after considering his representation he was again put to the Medical Review Board and Review Board

examined the petitioner but was not communicated any reply, verbally he was informed that he was unfit.

From the counter affidavit it appears that the Review Board did not find him medically fit for the post of constable in CRPF and his case was not considered. Thereafter again the petitioner examined himself by the Dr. Arsad Alam posted at IGMS Sheikhpura and it was found that petitioner is not suffering from any infirmity. On the strength of this certificate learned counsel for the petitioner submits that Civilian Doctors every time found that he was not suffering from any infirmity but every time the Medical Board constituted by the CRPF declared him unfit and makes a prayer that he should be examined by a independent Medical Board so that he may get justice in appointment as constable in CRPF.

Learned counsel for the Union of India resisted the submission of learned counsel for the petitioner and submitted that altogether he has examined thrice and every time he is not found fit due to Hypertension.

This Court does not give any comment on the medical report submitted by the CRPF as well as the Civilian Doctors but it will be in the ends of justice let the petitioner be examined by Base Hospital, ITBP, 22nd Battalion, Tigris Camp, New

Delhi.

In this view of the matter, petitioner is directed to approach before the IG, ITBP, 22nd Battalion, Tigris Camp, New Delhi and he is directed to constitute a Medical Board of Doctors where the petitioner will be examined and the Medical Board will decide the same in accordance with law, decision of the Medical Board will be final. If the Medical Board gives positive finding in favour of the petitioner, respondents will act in accordance with law.

With the aforesaid observation and direction this writ petition is disposed of.

Vinay/-

(Shivaji Pandey, J)

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