

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1282 of 2012

IN

Civil Writ Jurisdiction Case No. 7689 of 2012

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Amit Kumar, S/o Late Shankar Rai, resident of Village- Kilachak, Police Station- Bidupur, District- Vaishali. Petitioner/Appellant.

Versus

1. The Union of India through the Secretary, Ministry of Home Affairs, New Delhi.
2. The Director General of Central Reserve Police Force, New Delhi.
3. The Inspector General of Central Reserve Police Force, Patna Zone.
4. The Commandant- 86, Battalion, Central Reserve Police Force, Lamphlat, Imphal, (Manipur).
5. The Inspector General of Police, Central Reserve Police Force, Chandigarh, Range.
6. The Deputy Inspector General of Central Reserve Police Force, Group Centre, C.R.P.F. Jhapa, Muzaffarpur.
7. The Medical Officer, Of The Recruitment Board, Muzaffarpur.

.... Respondents/ Respondents.

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Appearance :

For the Appellant : Mr. Rajendra Prasad Singh, Sr. Adv.
Mr. Rama Kant Singh, Adv.
Mr. Mukesh Kumar Singh, Adv.
For the Respondents : Mr. Sanjay Kumar, A.S.G.

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CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH

And

HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH)

Date: 03-03-2015

Heard Mr. Rajendra Prasad Singh, learned senior counsel in support of the appeal, learned counsel for the respondents and with their consent this appeal is being disposed of at this stage itself.

The appellant was the writ petitioner. His father was a constable in the Central Reserve Police Force (hereinafter in short 'C.R.P.F.'), who died in harness. Apparently at that time the

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writ petitioner was an infant. Upon attaining majority and almost 20 years after demise of his father, he made an application for compassionate appointment. That was not entertained on the ground that he was medically unfit. There was no other ground mentioned. He challenged that decision before the Writ Court. The Writ Court did not entertain the application on the ground that he had sought compassionate appointment after about 20 years.

Mr. Rajendra Prasad Singh, learned senior counsel submits that the authorities of the C.R.P.F. had only recently refused to entertain the application of the writ petitioner on the solitary ground of medical unfitness. He submits that the medical unfitness was not permanent unfitness but could have been corrected by simple surgical procedure if time was granted. He further submits that the authorities refused to entertain the application because of delay of 20 years because the petitioner was an infant and there was no other person who could have taken compassionate appointment.

Be that as it may, in the facts and circumstances of the case, we are of opinion that only ground for rejecting the application of the writ petitioner/appellant being medical unfitness which we have also found that it is not of permanent nature. At this stage, Mr. Singh, learned senior counsel points out that

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the writ petitioner/appellant has already been operated and has a medical certificate duly issued with regard to removal of medical disability.

In the aforesaid circumstances, the authorities of the C.R.P.F. would be well advised to call the appellant, examine him medically and then consider the case of the appellant for compassionate appointment in accordance with law and the scheme of the CRPF.

Accordingly, while setting aside the judgment and order of the learned Single Judge, this appeal stands disposed of.

(Navaniti Prasad Singh, J.)

(Jitendra Mohan Sharma, J.)

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