

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13987 of 2015

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1. Rajni Kumari D/O Makeswar Sharma, resident of Village- Suksena, P.O. Bhatkeshari, via- Baniyapur, Saran.
 2. Prem Kumar, S/o Ramesh Prasad Singh, resident of C/o Ramesh Prasad Singh, Village- Parail Kapsia, Tola P.O. Tarsuwa Bargown, Madhepura.
 3. Pappu Kumar, S/o Kritya Nand Sah, resident of Village- Nawabganj Purabtola, P.O. Balthi Maheshpur, P.S. Kursela, Katihar.
 4. Gautam Kumar, S/O Nandi Sao, resident of village-Nawdiah, P.O. + P.S. Khaira, Jamui

.... Petitioners

Versus

1. The State of Bihar through the Secretary, Home Department, Bihar, Patna
2. The Director General of Police, Bihar at Patna.
3. The Chairman Central Recruitment Board (Constable Recruitment), Bihar at Patna.
4. The Deputy Inspector, General (Human Rights), Bihar at Patna
5. The Deputy Inspector General of Police, Nalanda
6. The Superintendent of Police, District- Nalanda.

.... Respondents

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CORAM: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA
ORAL ORDER

2 04-09-2015 Heard learned counsel for the petitioners and learned counsel for the State.

The only grievance of the petitioners is that while they were otherwise found fit for selection on the post of constable, which was being conducted by the Central Selection Board of Constables, Bihar, pursuant to an advertisement dated 28.02.2014, but the Medical Board upon examination declared all the petitioners as having abnormal colour vision and declared them as unfit by the report dated 31.7.2015.

It is submitted by learned counsel for the petitioners that on 12.08.2015, 12.08.2015, 08.08.2015 and 17.08.2015, the



petitioners were examined by the Head of the Department, Eye, P.M.C.H., who found colour vision of all the four petitioners to be normal. The petitioners, accordingly, prayed that they should be given one more chance to appear before another Medical Board.

It is not unusual to give an opportunity to the candidate, particularly in the uniformed services for appealing against the report of the Medical Board like the present one. However, the Court is informed that there is no such procedure prescribed with regard to the recruitment of the constables and the medical board report is treated as final.

This Court is of the opinion that in such matter, which seriously impinges upon the career of the concerned candidate, an opportunity should be provided and particularly in a case of the present nature where the candidate has been given normal vision certificate by a Doctor who is Head of the Department of Eye, P.M.C.H.

In the aforesaid facts and circumstances, the respondent No.6, the Superintendent of Police, Nalanda is directed to get examined the petitioners by a fresh Medical Board to be constituted at Patna headed by the Civil Surgeon, Patna, which shall re-examine medically the four petitioners only on the question of colour vision and thereafter the matter shall be decided

in accordance with law.

Let a fresh Medical Board be constituted within a period of three weeks from the date of receipt/production of a copy of this order by the Superintendent of Police, Nalanda, respondent No.6.

The writ application is, accordingly, disposed of with the aforesaid observations and directions.

(Ramesh Kumar Datta, J)

V.P.Sinha/-

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