

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4571 of 2013

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1. Sant Kumar S/O Surendra Mistry R/O Village- Husainchak, P.O.- Chesi, P.S.- Naubatpur, District- Patna (Bihar)
 2. Amit Kumar S/O Akhilesh Sharma R/O Village- Aropur P.O.- Amarpura, P.S.- Naubatpur, District- Patna (Bihar)
 3. Ritesh Kumar S/O Ramjee Prasad R/O Village- Old Kankarbagh, P.O.- Lohiya Nagar, P.S.- Patrakar Nagar, District- Patna (Bihar)
 4. Shailesh Singh S/O Bindeswari Singh R/O Village- Danwar, P.O. + P.S.- Kachwan, District- Rohtas (Bihar)
 5. Shashi Kumar Singh S/O Paras Singh Resident Of Village + Post- Sahabajpur, P.S.- Mahania, District- Kaimur (Bhabhua)

.... Petitioner/s

Versus

1. The Union of India Through The Regional Director, (Central Region) Staff Selection Commission, 8 Ab Beli Road, Allahabad (U.P.), Ph- 211002
2. The Deputy Inspector General Sector Hqrs, Staff Selection Board, Modern Agro Agencies Building, Chakkar Maidan, Muzaffarpur (Bihar)- 842001
3. The Staff Officer (Admn.), Govt. Of India, Shq, Ssb Muzaffarpur (Bihar)

.... Respondent/s

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Appearance:

For the Petitioner/s : Mr. Gopal Govind Mishra
Muna Upadhyaya
For the Respondent No.1 : Ms. Kanak Vena, C.G.C.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

3 18-01-2016 Heard learned counsel for the petitioner and learned counsel for the Union of India.

Earlier altogether five persons have filed this writ petition. Out of them, Amit Kumar, petitioner No.2, Ritesh Kumar, petitioner No.3 and Sashi Kumar, petitioner No.5, have been accommodated in the Armed Forces and similarly, Shailesh Singh, petitioner No.4 has also been appointed in the Bihar

Government service and as such the learned counsel for the petitioner submits that they are no longer interested to pursue the present case. Accordingly, this writ petition stands dismissed as against petitioner Nos. 2 to 5.

In the present case, in pursuance of advertisement dated 03.02.2011 persons were called upon to apply for the post of Para Military Forces such as B.S.F., C.I.S.F., C.R.P.F and S.S.B., total vacancies of 49080 and in pursuance thereof, the petitioner No.1-Sant Kumar has applied for the post and participated in the Physical Standard Test and Physical Efficiency Test on 02.05.2011. The petitioner belongs to the backward class. After crossing all the hurdles, the petitioner No.1 was allotted Roll No.3206039516 and after allotment of the roll number, he appeared in the written test and obtained 49 marks.

Learned counsel for the petitioner submits that the petitioner was examined by the Combined Recruitment of Constable (G.D.) in CAPFS on 31.07.2011 at MET centre, SSB, SHQ, Modern Agro Agencies Building, Chakkar Maidan, Muzaffarpur (Bihar) and found him unfit due to the reason having an eye sight version of 6/18BE and on that ground the candidature of the petitioner was rejected though he has better marks than one

of the petitioners namely Ritesh Kumar, who obtained 45 marks whereas the present petitioner has obtained 49 marks.

As it appears that the present petitioner has been disqualified not on the ground of marks rather the Medical Board on examination found that he is suffering from defective eyes.

Learned counsel for the petitioner further submits that other three persons who were party to this writ petition were earlier declared unfit but when they again went for review, their cases were considered and they have been accommodated. Learned counsel for the petitioner also submits that after rejection of candidature the petitioner approached the Patna Medical College and Hospital, Patna and got his eyes examined, there the doctors have found his eyes perfect.

In such view of the matter, the petitioner is directed to approach respondent No.3-the Staff Officer (Administration), Government of India, SHQ, SSB, Muzaffarpur (Bihar) within a period of three weeks from today along with the order of this Court. If the petitioner files review application before the authority, the authority concerned will be obliged to constitute a fresh Medical Board and the petitioner be examined and if the

petitioner is found to be medically fit, it goes without saying that he will be treated in the same manner as of Amit Kumar, Ritesh Kumar and Shashi Kumar.

With the aforesaid observations and directions, this writ petition is disposed of.

(Shivaji Pandey, J)

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