

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16382 of 2013

Vinod Kumar, son of Shri Meghnath Roy, resident of Village- Zilkabad Mathiya,
P.O+ P.S- Zilakabad, District- Saran.

.... Petitioner

Versus

1. The Union of India, through its Secretary Home Affairs, Government of India.
2. The Director General C.R.P.F. C.G.O. Complex, Block No. 1, Lodhi Road, New Delhi.
3. The Regional Director, C.R.P.F. Staff Selection Commission-1, At Bailey Road, Allahabad.
4. The Inspector General (Personnel), Director General C.R.P.F. Block-1, C.G.O. Complex, New Delhi.
5. The D.I.G. (Admn.), Director General (C.R.P.F.), C.G.O. Complex, Lodhi Road, New Delhi.
6. The Inspector General Bihar Sector (C.R.P.F), Patna.

.... Respondents

Appearance:

For the Petitioner/s : Mr. Shashi Shekhar Tiwary, Adv.
For the Union of India : Mr. Sanjay Kumar, Asst. Solicitor General
For the S.S.C. : Mr. Anjani Kumar Sharma, Adv.

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL JUDGMENT
Date: 17-10-2016

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

2. In view of the order passed by this Court in M.J.C.
No.369 of 2012, the petitioner was ultimately, examined by the
Medical Board on third occasion and in pursuance thereof, the
respondents constituted a Medical Board of three expert doctors,

they scientifically examined the petitioner, arrived to a finding that the petitioner is not medically fit for selection in the Armed Forces and information has been communicated to the petitioner vide order dated 4th October, 2012, which is under challenge before this Court.

3. The basic ground has been taken by the petitioner that in 2009 recruitment year all through the petitioner has been rejected on medical ground, whereas he was put to medical test in the recruitment year of 2010, there the Review Medical Committee did not find that he was suffering from 'abnormal gait'. On that strength, learned counsel for the petitioner is harping how there will be a difference in the report of the Medical Board in gap of 14 days and the prayer has been made by the learned counsel for the petitioner that the Medical Board should be consists of civilian doctor as well as doctor from the Armed Forces.

4. The standard of medical examination for the selection in the Armed Forces is in higher side than to the standard of medical examination for the selection in the Civil Services. A person may be selected for the civil services, but he may not be found fit for the Armed Forces as the job in the Armed forces is quite different and difficult than to the services rendered in the civil services and this Court cannot act as an appellate Court over the

opinion of the Medical Board.

5. Learned counsel for the petitioner submits that by way of last chance, petitioner should be again put to medical Board, which cannot be entertain at this stage because the petitioner has at least three times has undergone the Medical test, but all the times on one ground or other he has been found unfit for the selection in the Armed Forces.

6. On the direction of this Court, learned counsel for the Union of India has produced the original record for the perusal of this Court. On perusal of the same, it appears that three doctors from three regions were the part of the Medical Board, so it cannot be said that they had any bias against the petitioner.

7. In such view of the matter, this Court does not find any merit in this writ application. Accordingly, this writ application is dismissed.

(Shivaji Pandey, J)

pawan/-

AFR/NAFR	N.A.F.R.
CAV DATE	N/A.
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