

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11308 of 2009

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Anshumali, Son of Sri Vijay Kumar, reisdnet of Mohalla Bibiganj, Ward No. 7,
Holding No. 385, P.O. Muzaffarpur, Head Posts Office, P.S. Sadar Muzaffarpur,
District - Muzaffarpur

.... Petitioner

Versus

1. The Ministry of Railways, New Delhi through the Secretary, Railways,
Government of India, New Delhi
2. The Director, General, Railway Protection Force, New Delhi.
3. The Chairman, Central Recruitment Committee, Rail Bhawan, New Delhi
4. The Divisional Security Commissioner, Railway Protection Force, East Central
Railway, Dhanbad
5. The Senior Divisional Security Commissioner, East Central, Railway Protection
Force, Dhanbad.
6. The Chief Security Commissioner, Railway Protection Force, East Central
Railway, Hazipur.

.... Respondents

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Appearance :

For the Petitioner : Mr. S.B.K.Mangalam, Advocate

For the Respondents : M/r. Bijoy Kumar Sinha, Advocate

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 07-01-2015

Heard learned counsel for the petitioner and the
respondents.

Through this writ application the petitioner seeks
quashing of letter dated 10.7.2009, as contained in Annexure 9,
issued under the signature of respondent no. 5 by which petitioner
was communicated that the competent authority after re-medical test
has found that he is unfit in medical category B-1 for the post of Sub
Inspector of R.P.F.

It is contended on behalf of the petitioner that he was



found fit on all aspect but on eye examination he was found to be unfit. But when the petitioner got examined in Muzaffarpur Eye Hospital on 28.4.2009 the doctor there found his eye sight to be 6/9 for right eye and 6/6 for left eye. On the strength of the aforesaid report the petitioner sought his medical re-examination which was eventually done but again he was found unfit. It is contended by the petitioner that the authority did not disclose as to on what basis he was found unfit in medical category B-1. The petitioner again got himself examined in Regional Institute of Ophthalmology of I.G.I.M.S., Patna on 13.7.2009 which has again found the petitioner was in category of 6/6 for right eye and 6/6 for left eye. The petitioner got himself examined again at Dr. Rajendra Prasad Centre for Ophthalmic Sciences, A.I.I.M.S., New Delhi on 27.7.2009 and there again he has been found to be in category of 6/9 and 6/6.

This Court vide order dated 14.9.2009 directed the petitioner to revisit All India Institute of Medical Sciences with specific notice of his rejection on the aforesaid ground so that he could be re-examined. Petitioner has submitted a report of re-examination at A.I.I.M.S., New Delhi on 12.11.2009 which has been brought on record as Annexure 12 appended with the supplementary affidavit.

The Medical Board of the A.I.I.M.S., New Delhi has

again found the petitioner in the category of 6/6 and 6/9.

In this background it is forcibly contended on behalf of petitioner that he has become victim of erroneous examination by the Medical Board of the Railways.

A counter affidavit has been filed on behalf of respondents appending the Indian Railway Medical manual. Learned counsel has drawn attention of this Court towards Clause 512 which lays down the requirement under B-1 category vision should be up to 6/9 and 6/12. The report of the Medical Board has also been appended showing the right eye vision of the petitioner as 6/18 and left eye to be 6/9. It is contended that the aforesaid is more than 6/12 or 6/9 which is the prescribed limit, thus, the petitioner was rightly declared unfit.

In my considered opinion the petitioner has been able to raise a serious question upon the methodology adopted by the Medical Board of the respondent Railways as the private hospital, the I.G.I.M.S., Patna and the A.I.I.M.S., New Delhi twice found the petitioner fit under medical category B-1. One such examination has been held on the direction of this Court itself, thus, in my view, the matter requires reconsideration by the Medical Board of Railways and the matter is remitted back for the said purpose. The petitioner would be noticed by the Medical Board of Railways which would re-

examine him. The Board, while doing so, would also be obliged to consider the reports of the I.G.I.M.S., Patna and the two reports of the A.I.I.M.S. Medical Board before coming to the final conclusion.

It is expected that the entire exercise would be completed within the period of eight weeks from the date of receipt /production of a copy of this order before respondent no. 5, who would be required to take consequential steps. It goes without saying that if the petitioner is found fit by the Medical Board then consequential steps for his appointment should also be taken by the authorities within three months, thereafter, if he was otherwise found fit for such purpose. In case the Medical Board finds him unfit then the entire report of the Medical Board should be communicated to the petitioner.

This writ application is allowed to the extent as indicated above.

(Dr. Ravi Ranjan, J)

Spd/-

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