

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9661 of 2013

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1. Arvind Kumar Son Of Shri Dwarika Prasad Resident Of Village - Semaraon,
P.O. Semaraon, Police Station - Charpokhari, District - Bhojpur (Ara)

.... Petitioner/s

Versus

1. The Union Of India Through The Secretary, Ministry Of Home, New Delhi
2. The Staff Selection Commission (Central Region), 21-23 Ower Road,
Allahabad - 211002 Through Its Chairman
3. The Deputy Director, Staff Selection Commission (Central Region), 8/A Bailey
Road, Allahabad
4. The Regional Director, Staff Selection Commission (Central Region) Allahabad -
211002
5. The Deputy Inspector General, Ftr, Hqr, Ssb Patna, Rukunpura, Patna, New
Bailey Road, Patna (Bihar)
6. The Commandant (Medical), Ftr Hqr, Ssb, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Umesh Kumar Mishra, Advocate.
For Union of India : Mr. Anshuman Singh, Advocate.
For Staff Selection Com. Mr. Anjani Kumar Sharan, Advocate.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 24-08-2016

Heard the parties.

In the present writ petition, petitioner has prayed for a
direction to conduct re-medical test for his final selection on the
post of constable.

Petitioner has applied for selection on the post of constable
(General Duty) in BSF, CISF and SSB, 2011. He has obtained 49
marks but in the medical test he was declared unfit due to
knocking knee.

As per petitioner, he filed application for Review

Medical Board but he was not called ultimately not appointed.

From the record of the writ petition, it appears that petitioner filed application before the Regional Director (Central Range), Staff Selection Commission, Allahabad, for sending him for further medical test which is not a competent authority.

From the counter affidavit filed by the Commandant (Medical), FTR, HQR, SSB, Patna it appears that his application for Review Medical Board was received after 15 days i.e on 30.8.2011 beyond the time limit and as such he was not called for further medical test.

Learned counsel for the petitioner submits that petitioner got himself examined by Civil Surgeon, Ara and he has given a certificate that he is no knocking knee and he is fit for job.

The standard of measurement in the armed forces as well as in the civilian side are quite different and the Medical Board of Armed Forces which has been set up for giving green signal of medical fitness cannot be superseded by report of the Civil Surgeon of State Government Hospital. If the petitioner was not satisfied he should have approached to the proper authority within 15 days time which is time prescribed but the petitioner failed to file application within aforesaid time.

In such view of the matter, it is very difficult for this Court to accept the view of Civil Surgeon in place of view of the Medical Board.

Accordingly this Court does not find any merit in this writ petition. It is accordingly dismissed.

(Shivaji Pandey, J)

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