

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1156 of 2013

IN

Civil Writ Jurisdiction Case No. 12741 of 2012

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Chandrakant Kumar, Son of Sri Nityanand Prasad, Resident of Village + P.O.-
Chintamanchak, P.S.- Mokama, District- Patna (Bihar), presently residing at
Village- Bakhtiyarpur (East Tola), P.O. + P.S.- Bakhtiyarpur, District- Patna
(Bihar)

.... Appellant/s

Versus

1. The Union of India through the Secretary, Ministry of Home Affairs, North Block , New Delhi
2. The Inspector General (Special) Frontier, I.T.B.P. West Block, Wing-2, Sector-1, R.K. Puram, New Delhi- 110066
3. The Deputy Inspector General (Establishment) Office of Directorate General, I.T.B.P. Police Block No.2, Sector- C.G.O. Complex, Lodi Road, New Delhi- 110003
4. The Assistant Commandant (Office) Special Frontier, I.T.B.P., Ministry of Home Affairs, Govt. of India, Ground Floor, West Block-1, Wing-2, Sector-1, R.K.Puram, New Delhi- 110066
5. The Presiding Officer, Recruitment Board, for the post of Head Constable(Combatised Ministerial) I.T.B.P. Opposite of Batra Hospital, Tigri Camp New Delhi- 110062
6. The Secretary, Ministry of Law, Govt. of India, New Delhi

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Arun Kumar Arun, Advocate

For the Respondent/s : Mr. Awadhesh Kumar Pandey, Sr. PCS
Mr. Ravinder Kumar Sharma, CGC

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CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH

and

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH)

Date: 26-09-2016

This appeal is directed against the judgment
and order dated 08.04.2013, passed by learned Single Judge in
C.W.J.C. No. 12741 of 2012 (Chandrakant Kumar Vs. The Union
of India and others) whereby the writ petition filed by the writ

petitioner was dismissed. Hence, this intra-court appeal.

We have heard learned counsel for the writ petitioner-appellant and learned counsel for the Union of India and with their consent are disposing of this appeal at this stage itself.

The grievance of the writ petitioner-appellant is that having succeeded in written and other tests for recruitment as a Police Constable in the Indo-Tibetan Border Police Force he was wrongly rejected on medical grounds. Upon his rejection on the ground of defective eye sight he privately got his eye tested, which was found to be normal. He then appealed before the appellate court, but the result having not been communicated to him, he had filed the writ petition. In the writ proceedings, counter affidavit was filed on behalf of the Union of India pointing out that when the appellate court examined it also found that the writ petitioner-appellant had defective vision. It was disclosed in the counter affidavit that the writ petitioner-appellant had undergone lasik surgery in respect of his eyes for correction of vision. This is not denied by the writ petitioner-appellant. In view of this admission that there had been surgical intervention, the finding of the medical board of medical unfitness cannot be disputed.

In that view of the matter, we find no reason to interfere with the impugned judgment and order of the learned Single Judge. The appeal is, accordingly, dismissed.

(Navaniti Prasad Singh, J.)

(Nilu Agrawal, J.)

Arjun/Rajesh

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