

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.3 of 2016
In
Civil Writ Jurisdiction Case No. 8587 of 2015

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Umesh Ram

.... Appellant/s

Versus

The Union of India & Ors

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Ram Shankar Das

For the Respondent/s : Mr. S.D Sanjay (Addl. Soc. Gen.)

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

and

HONOURABLE JUSTICE SMT. ANJANA MISHRA

ORAL ORDER

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

2 14-07-2016

None has appeared on behalf of the petitioner. However,

Mr. S.D. Sanjay, Additional Solicitor General for the Union of India, is present.

This intra-Court appeal has been preferred against the order, dated 10.09.2015, passed in C.W.J.C. No. 8587 of 2015, whereby a learned single Judge of this Court has dismissed the writ petition.

The petitioner's son was one of the applicants for admission in Army school, Gopalganj, but he could not get admission. The petitioner, on the ground that his son has been illegally denied admission, came to this Court with a writ petition, made under Article 226 of the Constitution of India, which gave rise to the C.W.J.C. No. 8587 of 2015, wherein the petitioner claimed, contrary to the opinion, which had been given by the Medical Board of the Army School, Gopalganj that his son was medically fit. In support of his case, the petitioner also filed prescription obtained from the Out Patient Department (O.P.D.) of

Patna Medical College and Hospital (P.M.C.H.) Patna.

The respondents herein opposed the writ petition by filing their counter affidavits, wherein they took the stand that the petitioner's son was not only found medically unfit by the Medical Board, but also on review, the Medical Board gave the opinion that the petitioner's son was not medically fit.

Coupled with the above, it was also brought to the notice of the learned single Judge that the petitioner's son did not, even on merit, qualify for admission.

Having regard to the fact that the petitioner's son did not, on merit, qualify for admission in Army School, Gopalganj, the learned single Judge dismissed the writ petition by observing that had the petitioner's son qualified on merit, some directions could have, perhaps, been given in connection with his medical examination we do not find that the order, under challenge in this appeal, suffers from any infirmity, legal or factual and, therefore, this appeal is not admitted and is accordingly dismissed.

No order as to cost.

(I.A. Ansari, ACJ)

(Anjana Mishra, J)

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