

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1879 of 2016

IN

Civil Writ Jurisdiction Case No. 12889 of 2016

=====

Ramesh Prasad, son of Laxman Prasad, Resident of Village- Dighwa, P.S. Baikunthpur, District-Gopalganj

.... Appellant

Versus

1. The Union of India, through Secretary, Human Resources Development Department, Govt. of India, New Delhi.
2. Secretary, Human Resource Development Department, Govt. of India, New Delhi.
3. The State of Bihar, through Secretary, Secondary Education, Human Resources Development Department, Bihar, Patna.
4. Secretary, Secondary Education, Human Resources Development Department, State of Bihar, Patna
5. The Collector, Gopalganj.
6. Principal, Jawahar Navodaya Vidyalaya, Belsera, P.S. Mirganj, District-Gopalganj.
7. Superintendent, Medical College and Hospital, Patna.

.... Respondents

=====

Appearance :

For the Appellant : Mr. Mritunjay Prasad Singh, Advocate
For the Union of India : Mr. Ravindera Kumar Sharma, Advocate
For the State : Mr. Kameshwar Kumar GP17,
Mr. Amit Bhushan, AC to GP 17

=====

CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

And

HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date: 09-12-2016

Heard learned counsel for the appellant and learned counsel for the respondents.

2. The challenge in the present Letters Patent Appeal is to an order passed by the learned Single Bench on 2nd of September, 2016 in CWJC No. 12889 of 2016 whereby the writ application filed by the appellant to seek admission in VIth Standard in Jawahar Navodaya Vidyalaya remained unsuccessful for the reason that the



Medical Board constituted under the Chairmanship of the Civil Surgeon has found the age of the son of the appellant to be 14-15 years i.e. much above the age limit prescribed for admission in the VIth standard.

3. The prayer of the appellant is that again his son can be subjected to medical test by the Medical Board for determination of his age as he is not over-age for admission in the VIth standard.

4. Once the son of the appellant has been subjected to the medical examination by a Medical Board under the Chairmanship of the Civil Surgeon, there cannot be subsequent examination by another Medical Board. The medical examination should rest with the medical examination conducted by the Medical Board under the Chairmanship of the Civil Surgeon.

5. We do not find any error in the order passed by the learned Single Bench which may warrant interference in the intra-court appeal. The same is dismissed.

(Hemant Gupta, ACJ)

B.T/-

(Vikash Jain, J)

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	16.12.2016
Transmission Date	N.A.

