

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Letters Patent Appeal No.1507 of 2016**

**IN**

**Civil Writ Jurisdiction Case No. 7381 of 2014**

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Adarsh Kumar, Son of Prithwi Chandra Paswan P.O. - Koshi College Khagaria,  
P.S. - Muffasil Khagaria, Khagaria.

.... .... Appellant/s

Versus

1. The State of Bihar through Principal Secretary, Department of Home, Govt. of Bihar, Patna.
2. Director General-cum-Inspector General of Police, Bihar, Patna.
3. Superintendent of Police, Sheikhpura.
4. Superintendent P.M.C.H., Patna.
5. Head Department of Eye P.M.C.H., Patna.

.... .... Respondent/s

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**Appearance :**

For the Appellant/s : Mr. Amit Srivastava, Advocate  
Mr. Sanjeev Nikesh, Advocate  
For the Respondent/s : Mr. Kumar Alok, SC

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**CORAM: HONOURABLE THE CHIEF JUSTICE**

**and**

**HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY**

**ORAL JUDGMENT**

**(Per: HONOURABLE THE CHIEF JUSTICE)**

**Date: 06-09-2017**

Delay in filing of the appeal as prayed for in IA No.

5866 of 2016 is condoned.

Seeking exception to an order dated 27.04.2016 passed  
by the learned Writ Court in CWJC No. 7381 of 2014 this appeal  
has been filed under Clause 10 of the Letters Patent.

Petitioner was a candidate who had applied for  
appointment on the post of a Constable. After having passed the  
selection process the petitioner was subjected to medical test by a



Medical Board constituted in Patna Medical College & Hospital. The Three-Member Expert Committee examined the petitioner and declared him unfit for appointment on the post as he was detected to be suffering from colour-blindness. The petitioner filed the writ petition and the learned Writ Court did not find any ground to interfere into the matter.

It is the case of the appellant that the proceeding of the Board is vitiated as one of the members of the Board has sought illegal gratification from the appellant and not acceding to the demand he was declared medically unfit. However, on going through the pleadings in the writ petition we find that neither any specific ground in this regard is made and therefore no such ground was considered. Serious allegation for the first time was made before us today to the effect that one of the members of the Medical Board was demanding money from the petitioner for the purpose of his selection, a complaint Annexure-9, which is said to have been submitted by the petitioner on 05.12.2013 to the Director General of Police in this regard.

On going through the original records of the writ petition, we find that Annexure-9 is a handwritten complaint consisting of one page. There is no acknowledgement with regard to the submission of the same. There is no receipt of the postal



department or courier service in respect of submission of this complaint. This complaint seems to have been manufactured for the purpose of filing it in the writ petition and in the body of the writ petition no specific averment with regard to this complaint is made. Now in the appeal for the first time it seems that the matter is being argued, particularly with regard to a recruitment which was held on the basis of advertisement issued in the year 2012.

Finding no ground to interfere into the matter, the learned Writ Court has dismissed the writ petition. We find no reason warranting reconsideration of the order of the learned Writ Court dismissing the writ petition.

Accordingly, the appeal stands dismissed.

**(Rajendra Menon, CJ)**

**(Anil Kumar Upadhyay, J)**

mrl.

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