

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Review No.172 of 2016

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- 1.The Union Of India Through The Ministry Of Defence New Delhi.
 - 2.The inspector General, FTR HQ, B.S.F. North Bengal, Kadamtala (Siliguri), District-Darjeeling (WB) PIN 734011.
 - 3.The Deputy Inspector General/P.S.O. Border Headquarter, B.S.F., North Bengal.
 - 4.The Commandant (Recruit) B.S.F. Block No. 10, Lodhi Road, New Delhi.
 - 5.The Regional Director, Staff Selection Commission, 8-AB, Bailey Road, Allahabad, U.P.-211002.

....Respondent.... Petitioner/s

Versus

Manjay Kumar Jha, son of Late Shyam Kumar Jha, Resident of Village Mujauna, P.S. Waini, District Samastipur, At present resident of village Morwa Dih, Police Station-Musarigharai, District Samastipur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar(ASG)
For the Respondent/s : Mr. Sunil Kumar Jha, Adv

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
ORAL ORDER

3 10-02-2017 Heard Assistant Solicitor General for the Union of India and counsel for the private respondent.

There is a clear pleading made even in the writ application that the last person who has been selected and appointed on the post of general duty constable in the category of the petitioner had 72 marks in the written examination whereas the petitioner has only 66 marks.

It is the stand of the Union of India that only such candidates who had otherwise qualified were called for medical. Though in the case of the present private respondent, he was initially called for the medical but was found unfit. No purpose



will be served by holding a re-medical board because his fitness in the medical board will not alter his merit position and there cannot be any direction for appointment with marks which the respondent has.

To that extent, therefore, the direction of the learned Single Judge to hold a review medical board may be required to be reconsidered since it is redundant exercise.

In view of the above position, the order dated 08.05.2015 after hearing the parties is recalled. No review medical board is required to be held of the private respondent.

The review application is allowed.

(Ajay Kumar Tripathi, J)

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