

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9943 of 2017

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Punam Kumari, D/o Sunil Singh, R/o Islampur Mathpar, Post- Ishlampur, District-
Nalanda, Bihar.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Home.
2. The Inspector General of Prison, Bihar.
3. The Secretary, Central Selection Board (Constable), Bihar.
4. Inspectorate of Prison and Correctional Services, Bihar.
5. The Superintendent of Police, Nalanda.
6. he Civil Surgeon cum Chief Medical Officer, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Pathak, Adv.

For the Respondent/s : Mr. Md. N. H. Khan, SC-1

Mr. Naushaduzzoha, Adv.

For the Respondent-CSBC: Mr. Sanjay Pandey, Adv.

Mr. Binod Kumar Mishra, Adv.

Mr. Vivekanand Amritesh, Adv.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 17-10-2017

Heard Mr. Ashok Kumar Pathak, learned counsel
appearing for the petitioner, Mr. Naushaduzzoha, learned Assisting
Counsel to Standing Counsel No.1 for the State and Mr. Sanjay
Pandey, learned counsel appearing for the Central Selection Board.

The matter relates to appointment to the post of Warden
following a selection process initiated pursuant to Advertisement
No.03 of 2015 issued by the Central Selection Board. The grievance
of the petitioner is that although she was recommended for
appointment by the Central Selection Board, Patna but was failed
medically on grounds of being flat footed.

Mr. Pathak, learned counsel appearing for the petitioner



has relied upon a certification by the Patna Medical College and Hospital present at Annexure 6 to submit that the medical assessment declaring her unfit is not correct. It is taking note of the grievance that the State was directed to place on record their position and in compliance of the order a counter affidavit and a supplementary counter affidavit has been filed by the Assistant Inspector General (Prison), Bihar, Patna whereby it was informed that the Civil Surgeon cum Chief Medical Officer, Patna was directed to constitute a medical board afresh. The Supplementary counter affidavit informs that the Civil Surgeon cum Chief Medical Officer, Patna vide letter No.4298 dated 14.8.2017 has informed the Deputy Inspector General (Administration), Prison and Reforms Services, Bihar, Patna that a medical board had been constituted for examining the applicants who were declared medically unfit, afresh on 28.8.2017 and the applicants were accordingly informed including the petitioner.

The Civil Surgeon cum Chief Medical Officer, Patna has filed his counter affidavit enclosing the results of the medical examination conducted by the newly constituted board, a copy of which is placed at Annexure D and in which the petitioner whose names appears at serial 4 has been declared fit. The finding of the medical board has been forwarded to the Deputy Inspector General (Administration), Prison and Reforms Services, Patna for necessary



action.

Having heard learned counsel for the parties and in view of the developments taken on record where there is already a recommendation for appointment in favour of the petitioner and the medical disqualification whatsoever has been negated by the finding of the medical board freshly constituted under the Chairmanship of the Civil Surgeon cum Chief Medical Officer, Patna which has declared the petitioner fit for appointment I deem it proper to direct the Inspector General (Prison), Bihar, Patna to take the recommendation of the Central Selection Board to its logical conclusion bearing in mind the finding of the medical board at Annexure ‘D’ to the counter affidavit of the Civil Surgeon cum Chief Medical Officer, Patna within a period of six weeks from the date of receipt/production of a copy of this order.

The writ petition is allowed with the direction aforementioned.

(Jyoti Saran, J)

SKPathak/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	02-11-2017
Transmission Date	NA

