

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4932 of 2014

=====

1. Bharat Kumar Son Of Hare Ram Choudhary, Resident Of Village- Chakki
Lahana Bhola Dara, P.S.- Brahmpur, District- Buxar

.... Petitioner/s

Versus

1. The Union of India through The Ministry Of Home Affairs New Delhi
2. The D.G. Of C.R.P.F., New Delhi
3. The D.I.G. Group Centre C.R.P.F., Muzaffarpur

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Surendra Kumar Mishra, Advocate

For the Respondent/s : Mr. Anjani Kumar Sharan (Asst.S.G.)

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL JUDGMENT

Date: 19-07-2017

Heard both sides.

The petitioner filed this writ petition for quashing letter No. R-II-1/2010-11-C.C.-6 dated 24.06.2011 (Annexure-4 series) issued from the office of D.I.G., Group Centre, C.R.P.F., Muzaffarpur whereby the appeal of the petitioner has been rejected. The petitioner further seeks quashing the letter No. R-II-1/2010-11-EC-6 dated 23.07.2011 issued under the signature of D.I.G., C.R.P.F., Group Centre, Muzaffarpur by which the petitioner has been declared medically unfit for appointment on the post of Constable/G.D. in C.R.P.F.

The learned counsel for the petitioner submits that the Chief Medical Officer vide Annexure-2 dated 23.04.2011 informed



the petitioner that he was medically examined but he was found medically unfit on account of growth on the mucosal surface of left side of cheek. The petitioner was informed that he might file appeal within two weeks from the receipt of the aforesaid letter.

It is submitted that petitioner preferred appeal on 04.05.2011 and sent the same through postal department but the memo of appeal was received belatedly and on that ground the D.I.G., C.R.P.F. vide order dated 24.06.2011, as contained in Annexure-4 series, illegally rejected the appeal of the petitioner. It is submitted that there is no laches on the part of the petitioner in preferring the appeal before the competent authority. On the same facts, in similar case, this court vide order dated 05.05.2011 passed in CWJC No. 7939 of 2011 allowed the writ petition and set aside the order of the Appellate Authority by which the appeal was dismissed on the ground of limitation.

I find no force in the submission of learned counsel for the petitioner on the simple ground that petitioner applied for appointment on the post of Constable/G.D., C.R.P.F. in the year 2011. He was found medically unfit. Of course, the petitioner preferred appeal within time but the D.I.G., C.R.P.F. rejected the appeal on 24.06.2011. The petitioner kept mum for about three years and did not prefer any writ petition against the order of the Appellate Authority,



dismissing the appeal on the ground of limitation, and after about three years the petitioner filed this writ petition but did not explain the delay of three years in filing the writ petition. At such a belated stage that too for appointment on the post of Constable/G.D. in C.R.P.F. made in the year 2011, no interference is required.

This writ petition is, accordingly, dismissed.

(Prabhat Kumar Jha, J)

BKS/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	08.08.2017
Transmission Date	N.A.

