

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.899 of 2017

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Amrish Raj, Son of Shri Dharmendra Rai, Resident of Village & Post- Bachari, P.S. Piro, District- Bhojpur.

.... Petitioner/s

Versus

1. The Union of India, through the Director General, Central Reserve Police Force, C.G.O. Complex, Pragati Vihar, New Delhi.
2. The Dy. Director (Recruitment), Central Reserve Police Force, Pragati Vihar, New Delhi.
3. The Dy. Inspector General, Group Center, Central Reserve Police Force, Jhapaha, Muzaffarpur, District- Muzaffarpur.
4. The Director (Medical) Central Reserve Police Force, CGO Complex, Pragati Vihar, New Delhi.
5. The Presiding Officer, Recruitment Board, C.T. (Tech/Trades Men), 2015 at G.C. , C.R.P.F. Muzaffarpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar, Adv.

For the Respondent/s : Mr. Awadhesh Kumar Pandey, SCGC
Mr. Ravinder Kumar Sharma, CGC

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 18-08-2017

Heard Mr. Dhananjay Kumar, learned counsel appearing for the petitioner and Mr. Awadhesh Kumar Pandey, learned Senior Panel Counsel for the Central Government who appears along with Mr. Ravinder Kumar Sharma, learned Central Government Counsel.

The matter relates to appointment to the post of Constable in the Central Reserve Police Force and the petitioner has been disqualified for appointment on grounds that he suffers from 'anal fistula'. It is not in dispute that it is during the course of selection process that it was detected that the petitioner was



suffering from 'anal fistula' and for which he got himself operated on 28.8.2016 which is not in dispute.

The advertisement has been placed on record vide Annexure 'A' and contains the Medical Standards for rejection at running page 90. Clause (xxviii) at running page 91 of the proceedings specifically prescribes 'anal fistula' as a disease liable for rejection. It is not a case where the operation in question had been performed on the petitioner before the selection process rather the operation has taken place during the selection process on 28.8.2016 and in terms of the conditions present in the advertisement a candidate suffering from anal fistula has been held to be ineligible for appointment.

Mr. Dhananjay Kumar, learned counsel appearing for the petitioner has laboured hard to persuade this Court to remit the matter for review examination by submitting that since after the operation was performed on 28.8.2016, a period of more than a year has lapsed and the problem has not resurfaced as well as on grounds that the selection process has not yet been completed and thus the candidature of the petitioner may be considered but in my opinion in the circumstances where undisputedly the petitioner was unfit for appointment on the date he filed his application and underwent the medical test, a remand would be stretching the equitable principles a



bit beyond its seams. Perhaps if the operation would have taken place before initiation of the selection process and the petitioner would have undergone the specified period for being declared fit there could have been a reason for remand but in the circumstances where operation in question has taken place during the selection process, it means that the petitioner was not eligible for appointment by reason of the medical problem i.e. anal fistula.

In the circumstances so noted, I am not persuaded to grant indulgence to the prayer made. The petitioner may make his application in the next selection process, as and when it is held, but for the moment, no relief can be granted to him.

The writ petition is disposed of accordingly.

(Jyoti Saran, J)

SKPathak/-

AFR/NAFR	NAFR
CAV DATE	NA
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