

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8235 of 2008

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Arvind Kumar Singh, son of Sri Ramkripal Singh, resident of Village Murhaghat,
P.S. Madhopur, P.S. Manhauri, District- Sitamarhi.

.... Petitioner

Versus

1. The Union of India, Ministry of Home Affairs through the Director General, Sashastra Seema Bal, East Block-5, R.K. Puram, New Delhi-110066.
2. Assistant Director (Rectt.) S.S.B. East Block-5, R.K. Puram, New Delhi-110066.
3. Inspector General (P.E.R.S.) S.S.B, Force Headquarter, East Block-5, R.K. Puram, New Delhi-110066.

.... Respondents

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Appearance :

For the Petitioner	: Mr. Purnendu Singh Mrs. Pronoti Singh, Advocates.
For the Union of India	: Mr. Anjani Kumar Sharan, A.S.G. Mr. Rajesh Kumar Verma, CGC

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 31-08-2017

Heard learned counsel for the petitioner and learned counsel for the respondents.

2. The present writ petition has been filed for quashing the letter no. 2935 dated 18.07.2006 issued under the signature of Assistant Director (Rectt.) to the petitioner by which the petitioner has been informed that the process for appointment on the post of Constable (GD) has already been completed; to hold re-medical examination of the petitioner as he has been declared medically fit and to appoint the petitioner from the date of selection after holding re-medical examination and allow him all the benefits such as salary etc. from the date of such appointment.

3. It appears that the petitioner applied for the post of Constable (GD) in Sashastra Seema Bal pursuant to advertisement



published in the year 2006 and appeared for physical examination on 18.03.2006. He was selected in the physical test and appeared for medical examination in which however he was declared unfit in terms of memorandum dated 20.03.2006 for the reason that he suffered “Hyper Extended Left Elbow and Tremors Both Hand Present”. The petitioner applied for review of medical examination but no communication in this regard was received from the respondents for re-medical examination.

4. Learned counsel for the petitioner submits that he has suffered prejudice at the hands of the respondents as he was never communicated the date of re-medical examination. On making enquiry, the respondents have informed through impugned letter no. 2935 dated 18.07.2006 that a call letter in memo no. 125/RC/SB/1st phase/Re-medical/06-1635 dated 03.05.2006 for review of medical examination had been dispatched. Learned counsel for the petitioner states that no such letter was sent and the petitioner has thus been denied an opportunity of being considered for appointment. The respondents have not brought on record the details of dispatch of the letter or any other material in support of their stand in this regard.

5. Learned counsel for the respondents, on the other hand, refers to the counter affidavit to submit that letter no. 125/RC/SB/1st phase/Re-medical/06-1635 dated 03.05.2006 had duly been sent by post to the petitioner as evident from the impugned letter dated 18.07.2006. It is further stated that such call letters are dispatched in self addressed envelopes by post and the respondent cannot be held



responsible for non-delivery of the call letter to the petitioner.

6. Having heard learned counsel for the parties, it appears that the issue involves a disputed question of fact with regard to dispatch of the call letter for review of medical examination. While the petitioner claims that the letter was never dispatched, the respondents maintain that the same had been dispatched by post. This Court also takes note that the petitioner has approached this Court after a considerable delay of more than one and half years without any explanation for such delay. Moreover, it transpires from the impugned letter that the process of selection has already been completed in the year 2006 itself.

7. In the above circumstances, this Court is not inclined to interfere in the matter in its extraordinary writ jurisdiction. The writ petition stands dismissed.

(Vikash Jain, J)

Md. Ibrarul/Chandran

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	06.09.2017
Transmission Date	N.A.

