

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.451 of 2017

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1. Pappu Kumar, Son of Pyarelal Rai, Resident of Village- Chak Gausa Rajauli,
PO- Rajauli, District- Vaishali.

.... Petitioner/s

Versus

1. The Union of India through the Ministry of Home, New Delhi
2. The Commandant B.S.F. (Boarder Security Force), Recruitment Cell, 2B Lard
Sinha Road, Kolkata.
3. The Assistant Commandant, Boarder Security Force, Headquarter, South Bengal.
4. The Director General, Boarder Security Force, Lodi Road, New Delhi.
5. The Headquarter, Boarder Security Force, Personnel Directorate Recruitment
Cell, New Delhi.
6. The Chairman, Recruitment Cell, Boarder Security Force, New Delhi.
7. The Staff Selection Commission, Central Region, Allahabad.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Surendra Kishore Thakur, Adv.
For the Respondent/s : Mr. S.D Sanjay, Addl. Soc. Gen.
Mr. Kumar Priya Ranjan, CGC
Mr. Anjani Kumar Sharan, ASG

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 23-06-2017

None appears on behalf of the petitioner.

Mr. S.D. Sanjay, learned Additional Solicitor General, Mr.
Kumar Priya Ranjan, learned Central Government Counsel and Mr.
Anjani Kumar Sharan, learned Assistant Solicitor General for the
Staff Selection Commission.

The petitioner has gone through the selection process for
appointment as a Constable in the armed forces pursuant to the
combined examination for selection in CISF, BSF and CRPF. Though
he succeeded in all tests except that he was declared medically unfit



on distant vision as well as on grounds that his hydrocele operation was conducted on 15.5.2016 i.e. one month back when it should have been done three months back. Such report of the Medical examination is present at Annexure-6 of the writ petition with the signature of the Commandant as its Chairman. The petitioner made an appeal for a review examination and was directed to be present for such review vide order present at Annexure-7 and the report of the review medical examination is enclosed at Annexure-8 when the Board has cleared the petitioner of the defective vision earlier reported by the Medical Board vide Annexure-6, however, the petitioner has been again declared unfit due to hydrocele and the reason assigned is that the operation was done one month back. The review medical board report at Annexure-8 would show that conformingly 3 months had passed since after the operation was done on the petitioner on 5.5.2016 when the Review board met on 30.8.2016. The petitioner had crossed over the necessary stipulation of 3 months. The guideline which has been enclosed with the counter affidavit would show that a minor hydrocele operation would not be an impediment for such appointment.

In the circumstances discussed where the petitioner has succeeded in other tests, I deem it proper to direct the Commandant i.e respondent No.2 to reconsider the claim of the petitioner for



appointment bearing in mind that when the petitioner appeared before the Review Medical Board on 30.8.2016 the stipulated three months period had lapsed since the operation was carried out on the petitioner on 5.5.2016. Meaning thereby, even this obstruction had been crossed over by the petitioner.

The Commandant respondent No.2 is accordingly directed to consider the matter afresh after seeking opinion from a freshly constituted Review Medical Board, in the light of the observation made hereinabove, within a period of three months from the date receipt/production of a copy of this order.

The writ petition is allowed.

(Jyoti Saran, J)

Bibhash/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	08.07.2017
Transmission Date	NA

