

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.290 of 2016

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Murari Kumar @ Muraree Kumar, son of Shri Ram Pravesh Prasad, resident of village Kokarsa, P.O. Bhagwanpur, P.S. Hulasganj, District Jehanabad

.... Petitioner

Versus

1. The Union of India through the Director General Border Security Force, HQR, DG BSF, Block No.10, CGO Complex, Lodhi Road, New Delhi 110003
2. The Director General, Border Security Force, HQR, DG, BSF, Block No.10, CGO Complex, Lodhi Road, New Delhi, 110003
3. The Inspector General, Head Quarter, North Dungal, Frontier, Border Security Force, Kadam Tala, District Darjeeling, West Bengal
4. The Commandant, 09 BN BSR (NDRF), Bihta, Patna
5. The Assistant Commandant (MIN) Border Security Force, HQR North Bengal, Frontier, Kadam Tala, District Darjeeling, west Bengal
6. The Senior Medical Officer, Border Security Force, Khangra, BSF Campus, Kishanganj, Bihar

.... Respondents

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Appearance :

For the Petitioner/s : Mr. K.K.Thakur, Adv.
Mr. Binod Kumar Sinha, Adv.
For the Respondent/s : Mr. S.D Sanjay, Addl.. Soc. Gen.
Ms. Punam Kumari Singh, CGC

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 06-04-2017

Heard Mr. K.K.Thakur, learned counsel appearing for the petitioner and Mr.S.D.Sanjay, learned counsel appearing for Union of India alongwith Ms. Punam Kumari Singh, learned Central Govt. counsel.

The petitioner seeks to raise an issue relating to appointment made in the year 2011 in which he was declared medically unfit on account of his height found short by 1 cm., vide medical certificate



present at Annexure 3. The petitioner feeling aggrieved filed his appeal for a review examination some time in early part of 2011 because, vide letter dated 22.6.2011 present at Annexure 5, he was directed to present himself before the Review Medical Board and the report of the Review Medical Board has been enclosed by Mr. Sanjay, learned A.S.G., in the counter affidavit at Annexure R/2 which is dated 24.7.2011 confirming the unfitness certificate, earlier granted by the Medical Board. The petitioner having been found unfit on grounds of height being found short by 1 cm., the Review Board also did not find merit in his appeal. The petitioner has thereafter approached this Court after a lapse of almost five years and Mr. Thakur, learned counsel for the petitioner, seeks to explain the delay on grounds that he did not get any intimation as regarding the result of the Review Board.

Be that as it may, considering that the Review Board did admittedly take place in June, 2011, the petitioner was well aware of this fact and thus, even if he did not get any intimation as to the result thereof, he could not have sat back for all these years to enforce his right. A representation at Annexure 6 dated 17.4.2014 again would give no explanation for the delay.

Considering the delay and laches on the part of the petitioner to raise the issue of selection process and question the decision by the



Medical Board which initiated and concluded way back in 2011, I am not persuaded to exercise my discretion for grant of indulgence. The writ petition is disposed of.

(Jyoti Saran, J)

Surendra/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	13.04.2017
Transmission Date	NA

