

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1319 of 2017

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Aniket Kumar, Son of Ramesh Prasad, Resident of Village- Khedalpura, P.O.-
Bihta, P.S.- Bihta, District- Patna.

... .. Appellant/s

Versus

1. The Union of India, through the Secretary, Ministry of Home Affairs, New Delhi.
2. The Secretary, Ministry of Home Affairs, New Delhi.
3. Staff Selection Commissioner, Central Region, Allahabad, Uttar Pradesh through its Secretary.
4. The Secretary, Staff Selection Commission, Central Region, Allahabad, Uttar Pradesh.
5. The Directorate General, C.R.P.F. C.G.O. Complex, Lodhi Road, New Delhi through Deputy Inspector General (Recruitment).
6. The Deputy Inspector General, (Recruitment), Directorate General, C.R.P.F., C.G.O. Complex, Lodhi Road, New Delhi.
7. The Medical Officer, Recruitment Board No. 2, B.S.F. Campus,. Kishanganj (Khagra Camp).

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Om Prakash Upadhyay, Adv. Mr. Abhay Kr. Pandey, Adv.
For the Respondent/s	:	Mr. Anjani Kr. Sharan, A.S.G.
For S.S.C. Allahabad		Mr. Rajesh Kumar Verma, CGC

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 13-12-2017



Seeking exception to an order dated 31.8.2017 passed by the learned Writ Court in C.W.J.C. No.18857 of 2016, this appeal has been filed under Clause 10 of the Letters Patent.

Petitioner sought selection on the post of Constable (G.D.) for the C.R.P.F. He was disqualified on medical ground by holding that his elbow angle exceeds 20°. It was found that the petitioner's elbow angle is beyond the upper extremities prescribed under Clause 7.1.A of the guidelines for medical examination and test and the decision of the Medical Board has also been confirmed by the Review Medical Board. Finding the petitioner to be medically unfit for appointment to the post, the learned Writ Court refused to interfere into the matter.

Even though learned counsel appearing for the appellant tried to challenge the finding of the learned Writ Court and indicated to this Court that one more chance and opportunity should have been granted to the petitioner in view of certain discretion exercised by a Co-ordinate Bench of this Court in L.P.A. No.843 of 2015 (Union of India vs. Ravi Ranjan Tiwary), decided on 28.7.2017, we are satisfied that in this case once the Medical Board and the Review Medical Board found the petitioner to be medically unfit for appointment in view of the disqualification on



medical criteria, we see no reason to make any indulgence into the matter.

The appeal stands dismissed.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

K.C.Jha/-

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