

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.17952 of 2008

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Munna Das, son of Shri Bhushan Das, resident of Village- Surajpur, P.S.-
Hulasganuj, District- Jehanabad.

.... Petitioner/s

Versus

1. The Union of India through Director General of Police, CRPF, Headquarter, New Delhi.
2. The Director General of Police, C.R.P.F., Headquarter, New Delhi.
3. The Deputy Inspector General of Police (D.I.G.P.), Patna/MFR.
4. The Additional Deputy Inspector General of Police, Group Centre, C.R.P.F., Mokamaghat, District- Patna.
5. The Commandant, Recruitment Cell at Mokamaghat (C.T./G.S.) (Male), Bihar-07. Patna, Bihar.

.... Respondent/s

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Appearance :

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

For the Respondent/s : Mr. Sanjay Kumar, ASG

Mr. Anjani Kumar Sharan, CGC

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 12-04-2017

Heard Mr. Sanjay Kumar, learned counsel appearing
for the petitioner and Mr. Sanjay Kumar, learned Assistant Solicitor
General who appears with Mr. Anjani Kumar Saran, learned Central
Government Counsel.

The petitioner is aggrieved by the decision of the
Review Medical Board, whereby his prayer for appeal against the
decision of the Medical Board declaring him medically unfit, has not
been interfered with.

Mr. Sanjay Kumar, learned counsel appearing for the
petitioner while referring to the report of medical unfitness issued by



the Medical Board present at Annexure-3, submits that the medical problem suffered by the petitioner, was operated upon at the Patna Medical College and Hospital and which is confirmed from Annexure-4 series whereafter the petitioner was medically fit. He submits that the petitioner duly informed the authorities of his physical condition but the candidature of the petitioner was rejected on hyper technical grounds that medical fitness certificate was not submitted by the petitioner in its prescribed format. He submits that the objection is hyper technical because it is the medical fitness which is important and which can be verified by the respondents.

Per Contra Mr. Sanjay Kumar, learned Assistant Solicitor General has in reference to the counter affidavit submitted that in view of the admitted fact that the petitioner was medically unfit on the date he was examined by the Medical Board, his subsequent fitness certificate would not render him medically fit, even if he is medically fit for future selection.

Having heard learned counsel for the parties and considering the materials on record including the certification by the Surgeon at Patna Medical College and Hospital, it stands confirmed that the petitioner was suffering from hydrocele problem and was operated upon subsequent to the opinion of the Medical Board. This declaration of medical fitness by the Medical Board suffers no



infirmity requiring any interference. May be observation present at Annexure-5 is not in tune with the position and rejects the claim of the petitioner on technicality of non-enclosure of medical certificate in prescribed format but then the submission of Mr. Sanjay Kumar, learned Assistant Solicitor General as regarding the medical status of the petitioner on the date he failed before the Medical Board, his subsequent operation would not cure the position.

For the reasons so discussed I am not persuaded to interfere with the decision of the Review Medical Board impugned at Annexure-5.

The writ petition is disposed of.

(Jyoti Saran, J)

SKPathak/-

AFR/NAFR	NAFR
CAV DATE	NA
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