

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.750 of 2017

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Md. Kamal, Son of Md. Husain, Resident of East Noon Gola, P.S.- Hajipur,
District- Vaishali.

... .. Petitioner/s

Versus

1. The Union of India through the Secretary of Home Affairs, New Delhi.
2. The Director General of Police, BSF, New Delhi.
3. The Inspector General of Police, BSF, Bihar Sector, New Delhi.
4. The Deputy Inspector General of Police, BSF, Group Centre, Muzaffarpur.
5. The Assistant Commandant, BSF, Uttar Bengal Darjeeling.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Surendra Kishore Thakur, Adv.
For the Respondent/s	:	Mr. Awadhesh Kr. Pandey, CGC
		Mr. R.K. Sharma, CGC

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL JUDGMENT

Date : 20-06-2018

Heard learned counsel for the petitioner and counsel for
the Union of India.

The instant matter relates to appointment on the post of
Constable in the paramilitary force, B.S.F.

The petitioner was selected in the written test as well as
physical test but, when he was put to medical test, he was found
unfit for the said post. He was given opportunity to appear before
the Review Medical Board but, there was delay of two days which
is the reason for rejection of his claim for being allowed for re-
medical test. Learned counsel for the petitioner has explained the
cause of such delay.

Earlier the petitioner had moved before this Court with
the same prayer in C.W.J.C. No. 19656 of 2014 which was



disposed of on 10.2.2015 with a direction for re-medical examination subject to the condition that the process of appointment should not be completed.

The petitioner filed an application which was also allowed but, he could not appear before the Review Medical Board on the date and appeared after a delay of two days.

Taking a holistic view of the matter, let the petitioner should be re-examined by the Appellate Medical Board. If the petitioner files an application before the Inspector General of Police, B.S.F., Bihar Sector, New Delhi, within a period of three weeks from today, he will make arrangement for the re-medical test of the petitioner giving a prior information for appearance in the test.

This Court is not giving any opinion on the merit of the case but, will be subject to the outcome of the re-medical test of the petitioner.

With the aforementioned observation and direction, this writ application is disposed of.

(Shivaji Pandey, J)

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AFR/NAFR	NAFR
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