

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11292 of 2014

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1. Shambhu Kumar Singh 860720201 Son of Late Ramchandra Singh
resident of Village - Mora Talao, P.O. Mora Talao, P.S. Rahue, District -
Nalanda

.... Petitioner/s

Versus

1. The Union of India through Secretary, Ministry of Home Affairs North
Block, New Delhi
2. The Inspector General, I.G., C.R.P.F., Bihar State, Ashiyana Nagar, Patna
3. The Ranga D.I.G. Muzaffarpur C.R.P.F., Bihar
4. The Commandant 153 Battalion Motihari, Gandale Colony, C.R.P.F.
Motihari, Bihar
5. The Commandant - 115Battalian, Sri Nagar, CRPF, Jhakhure, Sri Nagar

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Uday Prasad Singh

For the Respondent/s : Mr. N. A. Shamsi (A.S.G.)

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

7 21-08-2018 Heard learned counsel for the petitioner as well as
learned counsel appearing on behalf of the Union of India.

Learned counsel for the petitioner claims that
promotion in the Grade of Assistant Sub Inspector be made
effective from the year, 2011 even though, the same has been
granted with effect from the year, 2013.

Learned counsel on behalf of the Union of India has
placed the records of medical assessment of the petitioner at the
time of consideration of his case for granting the grade of
Assistant Sub Inspector. The petitioner, as on 11.05.2011 was
placed under low Medical category shape- II and from the counter
affidavit, it is apparent that the petitioner on being declared as



shape-1 in the year, 2012 he had been recommended for the promotion and thereafter, the same has been granted to him. Petitioner has also not availed of the Review Medical Board after he was denied promotion in the process of 2011. Apparently, petitioner was aware of his low medical category.

Learned counsel for the petitioner has raised no objection that the petitioner's exclusion in the promotional process of 2011 was not in accordance with existing instructions and guidelines. Petitioner raised no objection after his exclusion on grounds of his low medical category in the year, 2011. Thereafter, he has participated in the subsequent Annual Medical Examination of Unit on 03.07.2012 and was declared "FIT FOR ALL PURPOSE" whereafter he has been granted promotion in the next process. Prior to 03.07.2012 the petitioner has never disputed finding of the Low Medical Category by Medical Board of 2011.

It is only after he was declared fit in 2012 that he has filed the writ petition.

As such, no case is made out for issuance of direction for shifting back the date of promotion.

Writ petition is dismissed.

(Madhuresh Prasad, J)

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