

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4081 of 2009

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NIRAJ KUMAR, S/O SRI NAND KISHOR SINGH, PLOT NO.-64,
PIONEER CO-OPERATIVE COLONY, NEAR D.O.C. SIPARA, VILL+P.O.-
PAKARI, P.S.-BEUR, PATNA

... .. Petitioner/s

Versus

1. THE UNION OF INDIA CHIEF POST MASTER GENERAL BIHAR CIRCLE PATNA
2. THE CHIEF POST MASTER GENERAL, BIHAR CIRCLE, PATNA
3. THE DIRECTOR, POSTAL SERVICES (HEAD QUARTER), BIHAR CIRCLE, PATNA
4. THE ASST. DIRECTOR (S&R) O/o THE CHIEF POST MASTER GENERAL, BIHAR CIRCLE, PATNA
5. THE COL. DIRECTOR RTD (STATES) H.Q. RTG ZONE (BIHAR & JHARKHAND) DANAPUR, PATNA
6. THE SENIOR SUPERINTENDENT OF POST. SARAN DV. CHAPRA, BIHAR

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Dhirendra Jha
For the Respondent/s	:	Mr. Sudhir Singh(Asst.Sg)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
CAV JUDGMENT

Date : 18-07-2018

The present writ petition has been filed to direct the respondents to appoint the petitioner on the post of Postal Assistant in the Army Postal Service.

2. The brief facts of the case are that on 21.08.2005, an advertisement was published by the Department of Post, Bihar Circle Patna for appointment on the post of Postal Assistant for deputation in the Army Postal Service. The said advertisement was for the year 2002-04 and the total number of vacancies were 29. The petitioner, in pursuance of the aforesaid advertisement, had appeared in the written examination held on



20.05.2007 wherein he was declared successful. The petitioner had then appeared before the ARO, Danapur on 26.10.2007 for physical and medical examination whereafter, list of successful candidates was published on 31.10.2007, hence, the petitioner was found to be fit in the physical examination held by the Respondents. The Respondent No. 4 by his letter dated 22.04.2008 had informed the petitioner that he has been finally selected for the post of Postal Assistant to serve in the Army Postal Service. After the petitioner was issued the appointment letter, he had assumed the charge of Office Assistant in the office of the Senior Superintendent of Post-Office, Saran Division, Chapra on 24.04.2008 and on the same day, he was relieved from the said office and directed to report to BRO, Danapur for being sent for training. On 25.04.2008, the petitioner had reported to BRO, Danapur, but he was not sent for training and instead, he was directed vide letters dated 17.07.2008 and 21.07.2008 to report at the office of ZRO, Headquarters, Danapur for medial verification. The petitioner had then reported to the office of the ZRO, Danapur on 29.07.2008 and he was declared unfit in the medical test held by the Respondents.

3. It is the contention of the petitioner that during the course



of medical examination, it was found that the wall of the ear of the petitioner bears a rupture and the ear contains wax, hence, the petitioner was declared unfit. The petitioner was then referred to Military Hospital, Namkum, Ranchi for re-medical test vide letter dated 29.07.2008. The petitioner had then reported on 12.08.2008 at the Military Hosptail, Namkum, Ranchi, but re-medical test was not done since the documents relating to the petitioner had not reached there. It is further submitted that all of a sudden, the office of the Respondent No. 5 issued a letter dated 22.11.2008 stating that the medical of the petitioner cannot be done since he has already been declared unfit by the Military Hospital, Namkum, Ranchi which, according to the petitioner, is not correct since the petitioner was never examined by the Military Hospital, Namum, Ranchi. Thereafter, the petitioner got himself examined at R.M.C.H, Ranchi and P.M.C.H, Patna wherein no medical deficiency was found as far as the petitioner is concerned.

4. Per contra, the Respondents have filed counter affidavit, however, neither the Respondents have been able to show as to how and for what medical problem, the petitioner has been declared medically unfit nor the Respondents have brought on record any proof of the fact that the petitioner has been declared



medically unfit by the Specialist of Military Hospital, Namkum, Ranchi.

5. I have heard the learned counsel for the parties and perused the materials on record and I find that the Respondents authorities have failed to bring on record even a single chit of document to show that the petitioner had been declared medically unfit, muchless show that the petitioner suffers from any type of medical problem, resulting in him having been declared unfit.

6. In such view of the matter, the Respondents cannot, without any reason, preclude the petitioner from joining the post of Postal Assistant, especially, after he was declared successful both in the written test as well as the physical test and had also been issued a letter of appointment dated 24.04.2018.

7. For the reasons mentioned hereinabove, the writ petition is allowed and the Respondents are directed to appoint the petitioner forthwith on the post of Postal Assistant.

(Mohit Kumar Shah, J)

ajay gupta/-

AFR/NAFR	NAFR
CAV DATE	10.07.2018
Uploading Date	18.07.2018
Transmission Date	NA

