

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5707 of 2019

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Pintu Kumar, S/o Birjee Prasad, Vill.- Nakatpura, P.s.- Bihar Sharif, Distt.- Nalanda

... .. Petitioner/s

Versus

1. The State of Bihar through the Director General of Police, Bihar at Patna
2. The Senior Superintendent of Police Darbhanga, Distt.- Darbhanga

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sumeet Kumar Singh
For the Respondent/s : Mr. Md. N.H. Khan (SC-1)

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT

Date : 16-04-2019

Heard the learned counsel for the petitioner and the State.

2. The petitioner is aggrieved by the fact that he has not been selected finally as a Constable for which he had applied against Advertisement No. 1 of 2017 on the ground of his having flat foot.

3. It appears from the records of this case that petitioner who belongs to the OBC category had made an application for being selected as a Constable. In the preliminary round of physical and written examination, he qualified but for getting an appointment letter, he was asked to



report at Darbhanga Constabulary where he was subjected to, along with other candidates, a further medical check-up. Out of the persons who were sent to Darbhanga, four persons, including the petitioner, were held to be unqualified for having flat foot. The medical opinion which was relied upon by the respondent Board for not considering the candidature of the petitioner was challenged and the petitioner got an opportunity of another round of medical check-up. The petitioner in support of the contention that he does not have flat foot, went to Darbhanga Medical College Hospital with a certificate from PMCH that the petitioner does not have flat foot. However, the three-member medical team comprising the Principal, Darbhanga Medical College Hospital, again found the petitioner with flat foot.

4. Mr. Sumeet Kumar Singh, learned counsel for the petitioner submits that the second report of the medical board is incorrect in view of such decision having been taken by only looking at the petitioner's foot by naked eyes and not subjecting him to any further test.



5. The aforesaid submission of the petitioner is not acceptable for the reason that for flat foot, no further test is required. Further test in the nature of x-ray, MRI and CT scan may be necessary to identify the causes of pain, if at all a person suffers the same while making an arch with his foot. Since this is not the case of the petitioner, the aforesaid reason cannot be taken into account for doubting or rejecting the review medical opinion.

6. However, in view of the request of the petitioner to examine him at any place other than Darbhanga, especially in view of the fact that in the earlier round of preliminary physical and written test, the petitioner had become successful and that at Patna, he was declared not to be a flat footed person, this Court deems it appropriate to direct the petitioner to make a representation before the Director General of Police, Bihar, Patna within a period of three weeks from today with a request for a review medical opinion at any other place except Darbhanga, with a caveat that if, in the next medical report, the same result is arrived at, the petitioner would not insist for any further medical review. Should such an application be filed



by the petitioner within the aforesaid period, the DGP may in his wisdom take a decision to send the petitioner for a review medical opinion at any place other than Darbhanga Medical College Hospital.

7. This order has only been passed in order to satisfy the petitioner that he has not been wrongly shut out from the process of selection for a deformity which he resolutely denies.

With the aforesaid observation / direction, this petition stands disposed off.

(Ashutosh Kumar, J)

skm/-

AFR/NAFR	N.A.F.R.
CAV DATE	
Uploading Date	18.04.2019
Transmission Date	

