

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 13878 of 2014

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Shree Ram Singh, Son of Prahalad Singh Resident of Village- Nayagaon,
P.O.- Nayagaon, P.S. Bath, District- Bhagalpur.

... .. Petitioner/s

Versus

1. The Union Of India through Director General, Government of India, Ministry of Home Affairs, Sashastra Seema Bal (SSB), Force Head Quarters, East Block – V, R K Puram, New Delhi – 110 066
2. The Director General, Government of India, Ministry of Home Affairs, Asshastra Seema Bal (SSB), Force Head Quarters, East Block – V, R K Puram, New Delhi – 110 066
3. The Commandant, 24th Bn SSB, Bathnaha, Sashastra Seema Bal (SSB), District- Araria, Bihar.
4. The Commandant (Medical), Ministry of Home Affairs, Government of India, FTR Head Quarter, SSB, Patna
5. The Deputy Commandant (Medical), 20 Bn SSB, Sitamarhi.
6. The Assistant Commandant (Medical), 44th Bn SSB, Bettiah, Bihar.
7. Deputy Commandant (Medical), 24th Bn. SSB, Patna.
8. The Staff Selection Commission (Central Region), through its Chairman 21-23, Lowther Road, Allahabad, Uttar Pradesh

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr Ranjan Kumar Jha, Advocate
For the Respondent/s	:	Mr Manoj Kumar Singh, CGC
For the S S C	:	Mr Rajesh Kumar Verma, ASG

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date : 17-09-2019

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

2 Petitioner was a candidate for selection of Constable (General Duty) in the Combined Recruitment Process. At the Medical Examination conducted on 25.01.2014, he has been



declared unfit on account of stammering. The writ petition has been filed challenging the declaration of unfit on grounds of stammering. The learned counsel for the petitioner submits that there was no such disqualification specified in the Advertisement.

3 Respondents have filed a counter affidavit. They have placed on record the Instructions for Conduct of Medical Examination for Constable (General Duty) through Staff Selection Commission for the year, 2013 -2014 issued on 20.12.2013. The same contains the Uniform Guidelines for Medical Examination Test for recruitment of Constables (General Duty). The procedure for Medical Examination, the main points in the Medical Examination, Equipment, Sequence of Medical Examination and various other standards for assessment of Medical Examination have been specified therein to be applied uniformly to all candidates in the selection process. The ground of rejection have also been specified in Clause 20 of the Uniform Guidelines. Sub-clause (g) contains “pronounced stammering” as one of the grounds for rejection of candidature in the Medical Examination. It is under the said ground for rejection that petitioner’s candidature is said to have been rejected by the Respondent-Authority.



4 Mr Ranjan Kumar Jha, learned counsel appearing for the petitioner submits that the Guidelines have come into existence in the Instructions issued on 20.12.2013. The petitioner had participated in the process of recruitment initiated in January, 2013. The Respondent-Authorities have, thus, brought about a change in the middle of the process of selection after the closing date specified in the Advertisement (Annexure 3). Since no change can be effected in the process of selection after initiation, the grounds for rejection contained in the Appendix to Instructions dated 20.12.2013 cannot be applied to reject the petitioner's candidature.

5 Such submission has been advanced without indicating anywhere that at the time of issuance of the Advertisement, whether stammering was a ground for rejection or not. It is only if stammering was not a ground for rejection at the time of Advertisement, that the petitioner can contend that declaration of the same as a ground for rejection subsequently would be to the detriment of the petitioner as it is not disputed that the petitioner does not suffer with stammering. The question of change in the yardstick for Medical Examination in the process of selection does not arise. The Instructions issued by the Authorities have been issued before the Medical Examination was conducted.



The petitioner has participated in the Medical Examination after the Instructions prescribing stammering as a ground for rejection. The Instructions apply uniformly to all candidates and, as such, the petitioner cannot raise any objection on application of the Instructions including grounds for rejection contained therein.

6 Since the rejection is based on the Uniform Instructions regarding physical standards to be observed in the Medical Examination Test, this Court does not consider it appropriate to interfere with the rejection of the petitioner's candidature based thereupon.

7 Writ petition is dismissed.

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	21.09.2019
Transmission Date	NA

