

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18222 of 2016

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Satyadev Kumar Paswan S/o Badari Narayan Paswan R/o village - Kharauni,
P.O. Bilauna, P.S. Bihiya, Distt. Bhojpur

... .. Petitioner

Versus

1. The Union Of India through the Diorector General, CRPF, CGO Complex,
Lodhi Road, New Delhi
2. The Director General, CRPF, CGO Complex, Lodhi Road, New Delhi
110003
3. The D.I.G. Recruitment, CGO Complex Lodhi Road, New Delhi 110003
4. The DIG, TC and S, BSF, Meru, District Hazaribagh Jharkhand
5. Commandant, TC and BSF, Meru, District Hazaribagh Jharkhand
6. In - Charge Recruitment Centre, R.M.E., S/GD recruitment - 2015, 40th
Battalian, ITB Police Force Sukurhuti Camp, PO Kanke, District Ranchi
(Jharkhand)

... .. Respondents

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Appearance :

For the Petitioner/s : Mr.Suraj Narain Yadav
For the Union of India : Mr. Awadhesh Kumar Pandey, CGC
Mr. Ravinder Kumar Sharma, CGC

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 28-02-2019 Heard learned Counsel for the petitioner and the

learned Counsel for the respondent Union of India.

The petitioner was a candidate for recruitment to the post of Constable (GD). He participated in the recruitment process for recruitment in the Central Armed Police Force. On being declared fit he was subjected to medical examination on 1.6.2016. He was found to be unfit for the reason that he was suffering with Inguinal Hernia on the right side. While the petitioner was declared unfit he was given an opportunity to



apply for review medical examination by 16.6.2016. The application was made. The petitioner thereafter was subjected to review medical examination on 8.9.2016.

In the meantime, as petitioner's Counsel submits, the petitioner had undergone surgery for cure of Inguinal Hernia i.e. the deficiency on account of which he was found unfit at the medical examination. In the review medical examination which was conducted on 8.9.2016, the petitioner was again declared unfit as his case could not be accepted since six months had not lapsed from the date of his surgery and, as such, the authorities could not conclude whether there is a chance of recurrence of the reason for unfitness.

Counsel for the petitioner submits that since the petitioner was not allowed a period of six months from the date of his surgery i.e. 4.6.2016 before the review medical examination was conducted, there was no way that the petitioner could have shown his fitness on ground of surgery having been performed. He submits that since he was not allowed six months' time after surgery, he has been deprived of consideration of his claim and the petitioner's candidature has been wrongly rejected.

The respondent authorities have placed on record



office memorandum dated 20.5.2015 providing revised uniform guidelines medical examination for recruitment of Constables. The same deals with the unfitness of Inguinal Hernia. The relevant provisions are as follows:-

“(d) Inguinal Region: Inguinal hernia is the possibility at the young age. The candidate should be asked to turn his dead away from the examiner and cough. A swelling will appear on coughing. It can also to be confirmed by VALSALVA MANEUVER. Operated cases (with documentary proof) of inguinal hernia may be accepted if the scar is well healed, supple and non-tender, the tone of abdominal muscles is good and there is no tendency for recurrence 6 months after operation. An operated case will not be accepted within 6 months of surgery.”

The rule provides uniform guidelines for consideration of the claim of the persons suffering from Inguinal Hernia, like the petitioner. It contemplated that an operated case will not be considered within six months of surgery. Admittedly the petitioner's claim was being considered only three months after surgery and, as such, under the extant uniform guidelines the petitioner could not be considered as a fit person.

Whether the respondents were obliged to grant six months time to petitioner after surgery so as to show that the surgery was successful and that there was no scope of



recurrence, for that the petitioner has not produced any provision/guidelines to claim such right and to claim review medical examination should have been conducted six months after surgery.

Since the petitioner's claim is not as per the extant circular/guidelines no relief can be granted to the petitioner in the instant writ petition.

The writ petition is dismissed.

(Madhuresh Prasad, J)

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