

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18304 of 2019

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Aman Kumar S/o Late Narayan Prasad Singh resident of Village
Harnathchak, PO Sindhiya Makandpur, PS Gopalpur, Distt Bhagalpur.
... .. Petitioner

Versus

1. The State Of Bihar through the Chief Secretary.
 2. The Central Selection Board (Constable Selection), Bihar, Patna.
 3. The Chairman, Central Selection Board (Constable Selection), Bihar, Patna.
 4. The Commandant, Bihar Military Police- 13, Darbhanga.
- Respondents

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Appearance :

For the Petitioner/s	:	Mr.Arun Kumar Tiwari
For the Respondent/s	:	Mr.Md. N.H. Khan (Sc1)
For the Central Board	:	Mr. Sanjay Pandey
		Mr. Binod Kumar Mishra
		Mr. Vivek Anand Amritesh

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

5 13-11-2019 Pursuant to an Advertisement No.1/2017 issued by the Central Selection Board (Constable Selection), Bihar, the petitioner had applied. It is his case that he was duly selected by the Board and was recommended for appointment. It appears that when he attempted to submit his joining as Constable in Bihar Military Police, as recommended by the Board, he was made to undergo physical fitness check up, in course of which he was found 'flat foot', which is a disqualification for appointment as constable. It is also his case that after having been declared unfit by a Medical Board, constituted under the chairmanship of the Civil Surgeon-cum-Chief Medical Officer, Darbhanga, he got himself examined in L.N.J.P. Orthopedic



Hospital, Rajbanshi Nagar, Patna, which is State Government hospital. On examination, the Doctor, at L.N.J.P. Orthopedic Hospital, Rajbanshi Nagar, Patna, did not find the petitioner suffering from 'flat foot' deformity. With the said opinion of the doctor of the L.N.J.P. Orthopedic Hospital, Rajbanshi Nagar, Patna, the petitioner approached the Commandant, BMP-13, Darbhanga, with a request to allow him to join the post for which he was recommended for appointment by the Board. As respondent No. 4, the Commandant, BMP-13, Darbhanga, declined the petitioner's request, the petitioner has come before this Court seeking a direction to the respondents to allow him to join against the post in question.

The Board has not disputed the petitioner's claim that he was duly selected and recommended for his appointment. A counter affidavit was earlier filed on behalf of respondent No.4.

When the matter was taken up on 17.10.2019, the respondents were directed to consider constitution of a Review Medical Board to deal with the nature of grievance, which the petitioner and other similarly situated persons are raising in respect of the findings of the Medical Board. A counter affidavit has been filed today, sworn by the Commandant, BMP-13, Darbhanga. It has been stated in the counter affidavit that in the



light of observation of this Court, a Review Medical Board was constituted, headed by the Superintendent, P.M.C.H., Patna as its Chairman and the Heads of Department of Ophthalmology, Medicine and Orthopedics as its members. The petitioner was made to appear before the said Medical Board. The Review Medical Board has found the petitioner medically fit with specific finding that there was no feature suggestive of 'flat foot'.

I do not think the respondents will have any further difficulty in accepting the petitioner's joining.

This writ application is disposed of accordingly.

I take judicial notice of the fact that there are numerous cases, which arise out of the same selection process, raising same grievance of disqualifying selected candidates on the basis of report of the Medical Board. In such circumstance. I consider it just and proper to observe that let the respondent State of Bihar consider constituting one Review Medical Board to consider similar grievance of candidates, with clear stipulation that finding of the said Review Medical Board shall be final. It would be in the fitness of the things that a decision in this regard is taken within one week from today at the level of the Director General of Police, Bihar.



Let a copy of this order be communicated to the
Director General of Police, Bihar forthwith.

(Chakradhari Sharan Singh, J)

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