GAHC010253072018

THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/7893/2018

RAVI KUMAR SINGH
Address:S/O- RAJESWAR SINGH
VILL- NEPALI BASTI
P.O- DIMAPUR
P.S- DIMAPUR
DIST- DIMAPUR
NAGALAND- 797112

VERSUS

THE UNION OF INDIA AND 5 ORS
Address:REP. BY THE SECRETARY TO THE GOVT OF INDIA
DEPTT OF HOME AFFAIRS
NEW DELHI- 110001
2:THE DIRECTOR GENERAL
Address:CISF
HQ
BLOCK- 13
CGO COMPLEX
LODHI ROAD
NEW DELHI- 110001

3:THE INSPECTOR GENERAL
CISF
Address:NATIONAL INDUSTRIAL SECURITY ACADEMY
HAKIMPET
HYDERABAD
TELANGANA- 500078

4:THE COMMANDANT
CISF UNIT
Address:GP HQRS
BEHARBARI

GUWAHATI
ASSAM- 781029

5:THE COMMANDANT
Address:CISF
RTC
BHILAI- 491107

6:THE REGIONAL DIRECTOR(NER)
Address:STAFF SELECTION COMMISSION
HOUSEFED COMPLEX
DISPUR
GUWAHATI- 781006

Advocate for : MR. S HAQUE
Advocate for : ASSTT.S.G.I. appearing for THE UNION OF INDIA AND 5 ORS:
Advocate ,

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, appearing for 2,

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5,

6, respectively.

BEFORE
HONOURABLE MR. JUSTICE MANOJIT BHUYAN

ORDER

26.11.2020

Heard Mr. S. Haque, learned counsel for the petitioner as well as Ms. B. Sarma, learned counsel representing all the respondents.

In pursuance of the Advertisement dated 14.01.2015, issued by the Staff Selection

Commission, the petitioner had applied and participated in the selection process for appointment to the post of Constable (General Duty) under the Central Armed Police Forces. Having successfully undergone the Written Test, followed by Physical Standard Test and Physical Efficiency Test, he was offered appointment on 26.04.2018. Accordingly, he joined as Constable (General Duty) in the Central Industrial Security Force (CISF), RTC, Bhilai, in the State of Chhattisgarh. The said appointment was short-lived, inasmuch as, in the Medical Examination which he was required to undergo, the petitioner was found unfit due to a medical ailment, namely, "CSOM (left)". In that regard a letter was issued on 22.06.2018. Taking recourse to the appeal provision, he appeared before the Review Medical Board at the CISF, RTC, Bhilai on 04.08.2018, which again declared him as unfit by the impugned finding dated 04.08.2018. Petitioner submits that the finding of the Review Medical Board cannot be taken as a conclusive one, inasmuch as, the petitioner was given to understand that there are no Specialist Doctor in the said Medical Board to render an appropriate finding.

By means of an additional affidavit filed before this Court on 24.01.2020, which the petitioner was required to do in terms of the order of this Court dated 11.12.2019, relevant medical documents were enclosed thereto. A Certificate issued by Surajit Barman, MS(ENT) has been brought on record, which certifies that the petitioner is of sound health and can do normal activities. There is also a report of the Nightingale Hospital Pvt. Ltd. under the signature of Dr. P. Sharma, finding the petitioner's Right TM intact, sclerosed and Left neo TM intact, thinned anteriorly.

There is no dispute to the fact that the petitioner had successfully cleared the Written Examination, followed by the Physical Standard Test and Physical Efficiency Test. As regards the medical ailment of having "CSOM (left)", the document annexed to the additional affidavit indicates that the petitioner had undergone necessary procedure and is, presently, fit to resume duties. In this regard, this Court is of the opinion that the fitness of the petitioner requires a re-examination by a duly constituted Medical Board to go into the matter. To reiterate, the petitioner had successfully completed all other necessary qualifying tests to secure appointment as Constable (General Duty).

Having regard to the above, this writ petition stands disposed of with direction to the respondent no.2 i.e. the Director General, CISF to constitute a Medical Board for re-

examination of the medical condition, if any, of the petitioner. The respondent no.2 shall inform the petitioner of the date when he is required to appear before the Medical Board, giving him such reasonable time that he can appear before the Medical Board.

Ms. B. Sarma shall inform the respondent no.2 of this order and to enable Ms. Sarma to do so, a copy of this order be furnished to her during the course of the day. Petitioner is also permitted to furnish a copy of this order to the respondent no.2, for his doing the needful in terms of the above.

Writ petition stands accordingly disposed of.

JUDGE

Comparing Assistant