

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7581 of 2020

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Kundan Kumar S/O Awadhesh Yadav resident of Village- Rampur Bara, P.S.-
Pali, District- Jehanabad. Petitioner/s

Versus

1. The Union of India through the Principal Secretary, Ministry of Home, New Delhi.
2. The Staff Selection Commission through its Secretary.
3. The Chairman, Staff Selection Commission, Central Region.
4. The Director General of Police, Central Reserve Police force, Block- 7, Level- 14, Section- 01, R.K. Puram, New Delhi.
5. The Inspector General of Police, Central Reserve Police Force, Patna, Bihar.
6. The Dy Inspector General of Police, Group Centre C.R.P.F. Mokamaghat, Patna, Bihar.
7. The Medical Officer, C.M.O. G.C., Central Reserve Police Force, Mokamaghat, Patna, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Vinod Kumar
For the Respondent/IOI	:	Mr.Satyavrat Verma
For SSC	:	Mr. Rajesh kr. Verma

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT

Date : 20-02-2021

1. The present writ petition has been filed for quashing the letter issued by the Medical Officer (respondent no. 7), by which the petitioner has been found unfit for being appointed on the post of Constable in the Central Reserve Police Force, pursuant to the medical examination held on 03.01.2020. The petitioner has further prayed for quashing the decision of the appellate Board, as communicated by the Dy. Inspector General of Police, Group Centre, CRPF, Mokamaghat, Patna, Bihar, vide letter dated 23.03.2020, whereby and whereunder



the appeal of the petitioner for Review Medical Exam has been rejected and consequently, direct the respondents to hold Review Medical Exam of the petitioner and appoint him on the post of Constable in the Central Reserve Police Force, if he is found fit in the review medical examination.

2. The learned counsel for the parties, at the outset, have submitted that the *lis* involved in the present case has already stood adjudicated by the Hon'ble Allahabad High Court in a judgment *dated 11.11.2020*, passed in *Writ-A No. 5049 of 2020 and other analogous cases (Rupesh Kumar v. Union of India)*. It would be relevant to reproduce the relevant paragraph of the aforesaid judgment, herein below:-

“ The submission of learned counsel for the Union of Indian that Dr. Syed Naushad Ahmad, Deputy Superintendent, Government Hospital, Jamui who certified that two of the petitioners were not suffering from High BP/Hypertension was not competent to issue the same as he is not a cardiologist, has also no force. The qualifications of Dr. Syed Naushad Ahmad are not in dispute. He has done Masters in Surgery and being a general Surgeon in a government hospital, he was competent enough to examine the petitioners and certify that they were not suffering from



hypertension. Under the recruitment scheme, as noted above, the only evidentiary value of his certificate is in formation of prima facie opinion that there could be an error of judgment on part of the medical officer who examined the candidate in the first instance to warrant acceptance of the appeal for review medical examination of the petitioners. In the review medical examination, the petitioners will be subjected to medical examination by expert doctors. In case, the petitioners were really not suffering from the ailments/ shortcomings pointed out during the initial medication examination, they would succeed. On the other hand, if they do suffer from the ailments/ shortcomings, they would be discarded. There is no right of further appeal against the decision of the review medical board. In case the certificates furnished by the petitioners are relied upon at this stage, the respondents would not suffer except that they shall have to hold a review medical examination. On the other hand, if the petitioners really do not suffer from any ailment/ shortcoming, as alleged, but their appeal for review medical examination is rejected at the very threshold on the above ground, they would suffer irreparable loss



and injury. In all events, therefore, the appeals preferred by the petitioners for a review medical examination should not be dismissed in the manner as has been done by the respondents. ”

3. Taking into account the fact that the aforesaid decision of the Hon’ble Allahabad High Court, rendered in the case of ***Rupesh Kumar (supra)***, arose out of the same selection process, a coordinate Bench of this Court disposed of a writ application bearing ***CWJC No. 8370 of 2020 (Vikash Kumar vs. The Union of India & Ors.)*** vide order ***dated 13.01.2021*** in following terms :-

“14. Having distinguished the instant case with that of CWJC No. 8698 of 2020, this Court would allow the relief to the petitioner for the reason that similar relief to candidates in the same process of recruitment has been allowed by the Allahabad High Court in the case of Rupesh Kumar (supra), which has not been assailed by the respondent authorities before the higher Court and pursuant to which, the respondent Authorities themselves are allowing the same relief to the candidate in another State.

15. Rejection of the petitioner’s appeal



for Review Medical Exam communicated under order dated 20.03.2019 by the respondent No 6 is quashed.

16. The writ petition is allowed.

17. The respondents are directed to constitute a Review Medical Board for re-examination of the petitioner within a period of one (01) week from the date of receipt/production of a copy of this order.”

4. The learned counsel for the petitioner submits that following the afore-said decision, rendered in the case of **Vikas Kumar (supra)**, at least five more cases have been decided on the same lines, details whereof are being enumerated herein below:-

“(i) C.W.J.C. No. 8126 of 2020 (Shashi Ranjan Prakash @ Shashi Ranjan v. The Union of India & ors.) disposed of on 12.02.2021.

(ii) C.W.J.C. No. 8256 of 2020 (Shashikant Kumar v. The Union of India and ors.) disposed of on 12.02.2021.

(iii) C.W.J.C. No. 8918 of 2020 (Amarjeet Yadav v. The Union of India & ors.) disposed of on 12.02.2021.

(iv) C.W.J.C. No. 8919 of 2020 (Ravi Kumar v. The Union of India & ors.)



disposed of on 12.02.2021.

*(v) C.W.J.C. No. 8587 of 2020 (Jay
Prakash Kumar v. The Union of India &
ors.) disposed of on 12.02.2021.”*

5. Having regard to the submissions made by the learned counsel for the parties and considering the judgments rendered by co-ordinate Benches of this Court in a catena of cases, enumerated hereinabove in the preceding paragraphs, the present writ petition also stands disposed of with the same directions and observations as made in the case of **Vikash Kumar (supra)**. Consequently, the impugned decision of the respondent-authorities, whereby the petitioner's appeal for Review Medical Exam has been rejected, stands quashed and the respondents are directed to constitute a Review Medical Board for re-examination of the petitioner within a period of one week from the date of receipt/production of a copy of this order.

6. The writ petition stands allowed.

(Mohit Kumar Shah, J)

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AFR/NAFR	AFR
CAV DATE	NA
Uploading Date	22.02.2021
Transmission Date	NA

