

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8256 of 2020

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Shashikant Kumar, S/o Chandeshwar Prasad, Resident of Village- Pahal
Bigha, P.S.- Kako, Dist.- 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.
4. The Director General of Police Central Reserve Police Force, New Delhi.
5. The Inspector General of Police Central Reserve Police Force, Patna, Bihar.
6. The Dy. Inspector General of Central Reserve Police Force Mokamaghat, Patna, Bihar.
7. The Medical Officer, C.M.O, GC, Central Reserve Police Force, Mokamaghat, Patna, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner	:	Mr.Sanjay Singh, Adv. Mr.Vinod Kumar, Adv.
For the SSC	:	Mr.Rajesh Kr. Verma, ASG
For the UOI	:	Mr. (Dr.) K.N. Singh(ASG) Mr.Manoj Kumar Singh, C.G.C.

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 12-02-2021 It is not disputed by learned counsel representing the parties including the Union of India and the Staff Selection Commission (Respondents No. 2 and 3) that the same controversy which this application involved, was involved in CWJC No. 8370 of 2020(*Vikash Kumar vs. The Union of India & Ors.*). The said writ application has been disposed of by an order of a co-ordinate Bench of this Court dated 13.01.2021, a copy of which has been presented at the time of hearing of this



case. It appears from the aforesaid order that arising out of the same selection process, which is the subject-matter of present proceeding, a writ application was filed before Allahabad High Court giving rise to Writ-A No. 5049 of 2020 (***Rupesh Kumar vs. Union of India***) in which following order was passed :-

“The submission of learned counsel for the Union of India 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 medical 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.”

Taking into account the fact that the decision of the Allahabad High Court in **Rupesh Kumar** (supra) arose out of the same selection process, the coordinate Bench of this Court disposed of the writ application vide order dated 13.01.2021 (**Vikash Kumar**) (supra) 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.

This writ application is accordingly disposed of with the same directions and observations as made in case of **Vikash Kumar** (supra). Consequently, the impugned decision, whereby the petitioner's appeal for review medical board has been rejected, stands quashed.

(Chakradhari Sharan Singh, J)

Rajesh/-

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