

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15686 of 2017

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Ajay Kumar Rai S/o Shri Briz Bihar Rai, Resident of Village-Topra, P.O. Shrimatpur, P.S. Pirpaiti, District-Bhagalpur.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Director General of Police, Govenment of Bihar, Patna.
3. The Inspector General of Police, Bihar Military Police, Patna.
4. The Deputy Inspector General of Police Northern Division, B.M.P., Muzaffarpur.
5. The Commandant, Bihar Military Police-11, Jamui.
6. The Central Selection Board Constable Recruitment through its Chairman, Government of Bihar, Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Rajeev Kumar Singh
For the Respondent/s	:	Mr.Sheo Shankar Prasad – Sc-8
For the CSBC	:	Mr. Sanjay Pandey
		Mr. Binod Kr. Mishra
		Mr. Vivek Anand Amritesh.

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT

Date : 21-12-2021

Heard the learned counsels for the parties.

2. In the instant petition, petitioner has prayed for following reliefs:

“1. That this is an application for issuance of an appropriate writ(s), order(s) or direction(s) for quashing of Force Order contained in Memo No. 1079, dated 18/5/2017 passed and issued by the Commandant, Bihar Military Police-11, Jamui by which petitioner has been dismissed from the post of Constable on account of defective vision and colour blindness was detected in Medical Examination.

AND/OR

Further for quashing of range



order contained in Memo No. 758, dated 27/8/2017 passed and issued by the Deputy Inspector General, Bihar Military Police (Northern Division), Muzaffarpur by which appeal against order of dismissal filed by the petitioner has been rejected and hence further direct to reinstate the petitioner with all consequential service benefits.

And

Pass such other order(s) as your Lordships may found fit and proper.”

3. The petitioner was found colour blindness in the medical examination. Thus, he was held to be ineligible for the post of Constable.

4. Perusal of the records, it is evident that colour blindness has been opined by Medical Board. However, it is not supported by Ophthalmologist. Even though, one of the Ophthalmologist name is reflected in the Annexure- G of the Supplementary Affidavit.

5. On the other hand, learned counsel for the petitioner pointed out that another Ophthalmologist held that petitioner is not suffering from colour blindness. Thus, there is disputed issue that whether petitioner is suffering from colour blindness or not? Therefore, the petitioner be subjected to medical examination in the AIIMS Hospital, Patna. The Registrar/ Superintendent, AIIMS, Patna is hereby directed to conduct medical test of petitioner only in respect of eye medical examination. The committee must consisting of one of the specialist in Ophthalmologist. Such



medical opinion be forwarded to the selecting authority. Registrar/
Superintendent, AIIMS, Patna is hereby directed to issue notice of
appearance of petitioner before the Medical Board to the petitioner
seven days in advance.

6. The petitioner is hereby directed to bear medical
examination fees, which has been quantified @ Rs. 3,000/-. The
same shall be remitted in the AIIMS Hospital (Administration). If
the petitioner is found that he is not suffering from colour
blindness, in that event, the concerned selecting authority is hereby
directed to consider the petitioner's case for selection and
appointment, if he is otherwise eligible. The above exercise shall
be completed within three months from the date of receipt of this
order.

7. Copy of the order be issued to
Registrar/Superintendent, AIIMS, Patna through Registrar General
of this Court for compliance.

(P. B. Bajanthri, J)

rakhi/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

