

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2351 of 2021

1. Anil Kumar Son of Sri Baijnath Prasad Resident of Village- Chandani Chowk, N.H. 28, Near New Calcutta, Delhi Roadway, Transport, P.O.- M.I.T., P.S.- Brahmpura, District- Muzaffarpur.
2. Avinash Kumar Son of Sri Sitaram Mahto Resident of Village- Mirzapur, P.O.- Srisia, P.S.- Kanti, District- Muzaffarpur.
3. Bhola Kumar Son of Sri Rajendra Ray Resident of Village- Fakuli, P.O.- Goraul, P.S.- Kurhani, District- Muzaffarpur.
4. Kunal Kumar Son of Sri Suman Kumar Resident of Village- Siuri Copinathpur, P.O. Bahilwara Govind, P.S.- Saraiya, District- Muzaffarpur.
5. Nitesh Kumar Son of Sri Jhaman Ram Resident of Village- Raghunathpur, P.O.- Raghunathpur, P.S.- Paroo, District- Muzaffarpur.
6. Raushan Kumar Son of Sri Laxmi Sah Resident of Village- Rusulpur Wajid, P.O.- Bhikhanpur, P.S.- Akhiyapur, District- Muzaffarpur.
7. Dinesh Kumar Son of Sri Ramesh Mahto Resident of Village- Titra Bishunpur, P.O.- Titra Ashanand, P.S.- Sakara, District- Muzaffarpur.
8. Pankaj Kumar Son of Sri Jitendra Baitha Resident of Village- Pokhraise, P.O.- Giddha, P.S.- Saraiya, District- Muzaffarpur.
9. Prabhat Kumar Son of Sri Shanker Sah Resident of Village- Bariyarpur, P.O.- Srisiya, P.S.- Kanti, District- Muzaffarpur.
10. Sanjay Kumar Son of Sri Baleshwar Sah Resident of Village- Damodarpur Dumari, P.O.- Padmaul, P.S.- Kurhani, District- Muzaffarpur.
11. Rajababu Chaudhary Son of Sri Ramchander Chaudhary Resident of Village- Paharpur, P.O.- Raghunathpur, P.S.- Saraiya, District- Muzaffarpur.
12. Raushan Kumar Son of Sri Lakhindra Sah Resident of Village- Jolgama, P.O.- Singar Fulkanha, P.S.- Kanti, District- Muzaffarpur.
13. Aman Kumar Son of Sri Manoj Kumar Resident of Village- Bariyarpur, P.O.- Srisiya, P.S.- Kanti, District- Muzaffarpur.
14. Rahul Kumar Son of Sri Kishori Ram Resident of Village- Bariyarpur, P.O.- Srisiya, P.S.- Kanti, District- Muzaffarpur.
15. Arjun Baitha Son of Sri Jai Narayan Haitha Resident of Village- Harpur Halra, P.O.- Baghi, P.S.- Maniyari, District- Muzaffarpur.
16. Gautam Kumar Son of Sri Bhuneshwar Sah Resident of Village- Pokharaira, P.O.- Giddha, P.S.- Saraiya, District- Muzaffarpur.
17. Raju Kumar Son of Sri Vashisth Thakur Resident of Village and P.O.- Rajarampur, P.S.- Saraiya, District- Muzaffarpur.
18. Suman Kumar Son of Sri Baleshar Yadav Resident of Village- Sherpur Near Mai Asthan, Kayasth Tola, P.O.- M.I.C. Bela, P.S.- Sadar, District- Muzaffarpur.
19. Uttam Kumar Chaudhary Son of Sri Jay Lal Chaudhary Resident of Village- Mornisf, P.O.- Kerma, P.S.- Naniyari, District- Muzaffarpur.
20. Kalyani Kumari D/o Sri Lalit Mohan Jha resident of Village and P.O.-



Anand Bihar Colony, Sahbajpur, P.S. Kanti, District- Muzaffarpur.

21. Aditi Kumari D/o Sri Suresh Prasad Singh resident of Village and P.O.- Hathauri, P.S. Hathauri, District- Muzaffarpur.
22. Niranjana Kumar Son of Sri Musafir Gupta Resident of Village- Mubarakpur, P.O.- Kabilpur, P.S.- Kanti, District- Muzaffarpur.
23. Golu Kumar Son of Sri Sudist Ray Resident of Village- Pana Chapara, P.S.- Motipur, District- Muzaffarpur.
24. Rani Kumari D/o Sri Rameshwar Sah Resident of Village- Raksa, P.S.- Karza, District- Muzaffarpur.
25. Avishek Kumar Son of Sri Lalan Ray Resident of Village- Laluchhapra, P.S.- Paroo, District- Muzaffarpur.
26. Akshay Kumar Son of Sri Ramadhar Choudhary Resident of Village- Sherpur, P.O.- Kabilpur, P.S.- Kanti, District- Muzaffarpur.
27. Suraj Kumar Son of Sri Rajkishor Sah Resident of Village- Deepak Cinema, Sahu Road, Bibi Jan Lane, Near of Maszid, P.O.- Ramna, P.S.- Town, District- Muzaffarpur.
28. Sujeet Kumar Son of Sri Sunil Choudhary Resident of Village- Sutihara, P.O.- Chhapra, P.S.- Mushahari, District- Muzaffarpur.
29. Pradeep Kumar Son of Sri Suresh Prasad Sah Resident of Village- Raghunathpur, P.O.- Raghunathpur, P.S.- Paroo, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The Union of India through the Home Department, Government of India, New Delhi.
2. The Director General, Central Reserve Police Force, New Delhi.
3. The Director General, Central Reserve Police Force (Recruitment Branch) East Block- 07, Sector 01, R.K. Puram, New Delhi.
4. The Deputy Inspector General, Recruitment, Central Reserve Police Force.
5. The Deputy Inspector General, Group Centre, Central Reserve Police Force, Jhapan, Muzaffarpur, Bihar.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Pramod Kumar Singh
For the Respondent/s : Mr.Dr.K.N.Singh (Asg)

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT

Date : 05-04-2021

1. The present writ petition has been filed for quashing the order dated 29.06.2020 issued by the respondent



no. 5 i.e. the Deputy Inspector General, Group Centre, Central Reserve Police Force, Jhaphan, Muzaffarpur, Bihar, whereby and where-under the appeals preferred by the petitioners for review medical examination has been rejected and for further directing the respondents to hold review medical examination of the petitioners and appoint them on the post of constable in the Central Reserve Police Force, against the advertisement dated 21.07.2018, if they are 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 apt 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/ 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 the 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 petitioners 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) (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 petitioners’ 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 petitioners 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	NAFR
CAV DATE	NA
Uploading Date	15.04.2021
Transmission Date	NA

