

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1532 of 2021

1. Satyendra Kumar, Son of Sri Kapleshwar Ray, Resident of Village-Kharwani, P.O. and P.S.-Sahiyara, District-Sitamarhi.
2. Nandkishor Paswan, Son of Sri Kamal Paswan, Resident of Village-Manpur Java, P.O.-Bhanaspatti, P.S.-Runi Saidpur, District-Sitamarhi.
3. Brij Mohan Kumar, Son of Sri Parichan Saw, Resident of Village-Madhkaul, Ward No. 2, P.O.-Jafarpur, P.S.-Belsand, District-Sitamarhi.
4. Shashi Bhushan Kumar, Son of Sri Bechan Mahto, Resident of Village-Sirsiya Bazar, P.O.-Bela, District-Sitamarhi.
5. Sanjay Kumar, Son of Sri Jay Kishor Singh, Resident of Village-Harichhapra, P.O.-Sagma, P.S.-Dumra, District-Sitamarhi.
6. Mukesh Kumar, Son of Sri Kailash Sah, Resident of Village and P.O.-Lagma, Ward No. 11, P.S.-Dumra, District-Sitamarhi.
7. Chhedi Das, Son of Sri Kishore Das, Resident of Village-Manik Chowk (South), Ward No. 07, P.S.-Runi Saidpur, District-Sitamarhi.
8. Raushan Kumar, Son of Sri Gauri Shanker Srivastava, Resident of Village-Kusumpur Bakhari, P.O.-Riga, P.S. Riga, District-Sitamarhi.
9. Rahul Kumar, Son of Sri Shailendra Kumar Sharma, Resident of Village-Inamat, P.O.-Bhourgadh, P.S.-Nonpur, District-Sitamarhi.
10. Satya Prakash, Son of Sri Satendra Sharma, Resident of Village-Parawari, P.O. Bishunganj, P.S.-Ghostri, District-Jehanabad.

... .. 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, Mokamaghat, Patna, Bihar.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Sanjeev Kumar Singh, Adv. Mr. Pramod Kumar Singh, Adv.
For the Respondent/s	:	Mr. Alok Kumar Jha (C.G.C.)

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT

Date : 24-03-2021

The present writ petition has been filed for quashing



the orders dated 20.02.2020 and 24.03.2020 issued by the respondent no. 5 i.e. the Deputy Inspector General, Group Centre, Central Reserve Police Force, Mokamaghat, Patna, 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 petitioner and appoint him on the post of constable in the Central Reserve Police Force, against the advertisement no. 2018, 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 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 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	NAFR
CAV DATE	N/A
Uploading Date	27.03.2021
Transmission Date	N/A

