

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20445 of 2016

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Md. Maojammil Hussain, son of Jahid Hussain, resident of village- Sadar
Bazar Jagdishpur, Ward No. 12, P.O. P.S. Jagdishpur, District- Bhojpur.

... .. Petitioner/s

Versus

1. The Union of India through Director General Sashastra Seema Bal, Force, Headquarters, New Delhi-11066
2. The Secretary, Ministry of Home Affairs, New Delhi.
3. The Inspector General, Sashastra Seema Bal, East Block-V R.K. Puram, New Delhi.
4. The Deputy Inspector General , SHQ, SSB, Muzaffarpur, Bihar.
5. The Chairman, Staff Selection Commion Central Zone 8, A.B. Bailey Road, Allagabad.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Sharma, Advocate
For the Respondent/s : Mr. Manoj Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT

Date : 22-06-2021

The matter has been heard via video conferencing.

2. Heard Mr. Sanjay Kumar Sharma, learned counsel for the petitioner and Mr. Manoj Kumar Singh, learned counsel appearing on behalf of Union of India.

3. Learned counsel appearing on behalf of the petitioner would submits that in terms of regularization, the petitioner approached the respondents for review on the strength of the medical certificate issued by the Civil Surgeon, Arrah. He submits that instead of considering the case of the petitioner for review in terms of the



certificate of the Civil Surgeon, Arrah, who has certified in favour of the petitioner, the respondents arbitrarily are not considering the case of the petitioner.

4. Learned counsel appearing on behalf of Union of India would submits that medical review was considered with regard to only those candidates who has secured more marks than this petitioner.

5. However, there is no reply to the submission of the learned counsel for the petitioner that the candidates having lesser marks than the petitioner have been selected in the matter of appointment of constable.

6. This Court does not find any merit in the submission of the respondents that review was only permitted to the candidates who have secured more marks than this petitioner. There is no submission on behalf of the respondents that there is no substance in the claim of the petitioner for medical review. The only plea advanced on behalf of the respondents is that in the process of review of medical examination, they have



considered the case of only those candidates who have secured more marks than this petitioner. There is no denial that candidates who have secured less marks than this petitioner have been selected for the post of constable.

7. In the aforesaid circumstance, this Court is left with no option but to allow the writ application with a direction to the respondents to consider the case of the petitioner for review of medical examination for the post of Constable/GD and take appropriate decision in accordance with law within a maximum period of four months from the date of receipt/production of a copy of this order.

8. With the aforesaid observation/direction, the writ petition stands allowed and disposed off.

(Anil Kumar Upadhyay, J)

Shageer/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	14/07/2021

