

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7419 of 2021

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Kumar Devanti Gaur, Female, aged about 30 years, Daughter of Sri Kailash Prasad Gaur, Resident of village and Post- Pipra Jatanpur, P.S.- Kuber Asthan, District- Kushinagar, Uttar Pradesh, at present residing at C/o Sri Ambila Sah, B.M.P. 6, P.O.- H.P.O. Muzaffarpur, (Bihar)

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Central Selection Board, Constable Recruitment, Bihar, Patna through its Secreary
3. Chairman, Central Selection Board, Constable Recruitment, Bihar, Patna
4. Secretary, Central Selection Board, Constable Recruitment, Bihar, Patna
5. Superintendent of Police, Madhubani
6. Civil Surgeon, Sadar Hospital, Madhubani
7. Superintendent Darbhanga Medical College Hospital, Laherisarai, Darbhanga

... .. Respondents

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Appearance :

For the Petitioners	:	Mr. Rajan Ghoshrahe, Adv.
For the State	:	Mr. Dhurendra Kumar AC to GP-5
For the CSBC	:	Mr. Sanjay Pandey with Mr. Binod Kumar Mishra & Vivek Anand Amritesh, Advocates

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL JUDGMENT

Date : 25-08-2022

Heard learned counsel for the petitioner, learned counsel for the State and learned counsel for the Central Selection Board (for short ‘ the Board’).

2. The petitioner participated for selection as Constable, pursuant to Advertisement No. 2/2009. The petitioner having been found fit in the various stages of Selection process was recommended subject to Medical verification and fulfillment of the physical eligibility for the selection in-question. Annexure-4 to



the writ petition is Report of the Medical Board, brought on record by the petitioner conducted at the Sadar hospital, Madhubani, wherein, she has been found to be suffering with the condition of 'flat foot'. It is not in dispute that the procedure allowed that such findings be subjected to a further Medical Board, which was conducted in the office of the Superintendent, D.M.C.H. on 09-09-2020. The Report of this Medical Board is based on scientific analysis by a Podogram and also by examining X-ray of both feet of the petitioner. The assessment based on the Podogram and X-ray is that the petitioner is suffering with right flat foot whereas his left foot is normal.

3. Learned counsel for the petitioner submits that since it is the question of petitioner's career, she had on her own got herself examined at the Shri Krishna Medical College and Hospital, Uma Nagar, Muzaffarpur, thereafter, on 05-02-2021. The Doctor, on clinical examination, has ruled out flat feet and, therefore, the petitioner should be subjected to one more Medical Board. Submission, however, is not based on any prescribed procedure or Rule, wherein, a third Examination is permitted/required to be done.

4. Learned counsel for the State as well as learned counsel for the Board have appeared and relied upon the Reports



of the two consistent Medical Board which have found the petitioner to be suffering with flat foot.

5. On a consideration of rival submissions, this Court would observe that the Medical Assessment of the petitioner, which was conducted, on her own volition, at the Shri Krishna Medical College and Hospital, Uma Nagar, Muzaffarpur, on 05-02-2021, is based on a bare clinical examination and the same does not inspire confidence. The same does not cast any doubt on the Report of the Medical Board dated 09-09-2020 which is based on scientific assessment arising out of pathological examination, including Podogram and X-ray. Even otherwise, there is no provision requiring a third examination which has been brought to the notice of the Court.

6.The writ petition is dismissed.

(Madhuresh Prasad, J)

shyambihari/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	09-09-2022
Transmission Date	

