

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9905 of 2022

Vijendra Kumar Sah, Male, aged about 25 years, S/O- Shri Kameshwar Sahu
Resident of Village- Bishanpur Shivram, Ward No.-6, P.S.- Balua Bazar,
District- Supaul, Pin Code- 854339.

... .. Petitioner

Versus

1. The State of Bihar through its Chairman, Central Selection Board (Constable Recruitment), Sardar Patel Bhawan, 6th Floor, Block-A/626, Jawahar Lal Nehru Marg, Patna- 800023.
2. The Chairman of Central Selection Board (Constable Recruitment), Sardar Patel Bhawan, 6th Floor, Block-A/626, Jawahar Lal Nehru Marg, Patna- 800023.
3. The Principal Secretary, Department of Home (Constable Branch), Old Secretariat, Patna, Bihar.
4. The Chief Conservator of Forest, Gosai Tola, Patliputra, Patna.
5. The Civil Surgeon-cum-Chief Medical Officer, Gardanibagh, District- Patna.
6. Medical Board presided by Civil Surgeon-cum-Chief Medical Officer, Gardanibagh, District- Patna.

... .. Respondents

Appearance :

For the Petitioner	:	Mr. Awadhesh Kumar Mishra, Adv.
For the State	:	Mr. Anant Pd. Singh, SC-15
For the CSBC	:	Mr. Sanjay Kumar Pandey with Mr. Binod Kr. Mishra and Mr. Vivek Anand Amritesh, Advocates

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL JUDGMENT

Date : 22-09-2022

Heard learned counsel for the petitioner, learned counsel
for the States and learned counsel for the Central Selection Board
of Constable (for brevity ‘ the Board’).

2. The petitioner has been declared medically unfit in the
process of selection by assigning reason that his Colour Vision is
abnormal.



3. Mr. Awadhesh Kumar Mishra, learned counsel appearing for the petitioner, submits that another candidate was also declared unfit, but was given an opportunity for re-examination which is apparent from Clause-9 to Annexure 10 enclosed with the writ petition, which reads as follows:-

"चयनित अभ्यर्थियों में 98 महिलाएँ तथा 374 पुरुष हैं। सभी पात्र महिला अभ्यर्थियों का चयन हो गया है। पात्र अभ्यर्थी उपलब्ध न रहने के कारण अनुसूचित जनजाति कोटि में 05 तथा पिछड़े वर्गों की महिलाएँ कोटि में 07 कुल 12 रिक्तियाँ शेष रही।

एक अभ्यर्थी रेणु कुमारी, अनुक्रमांक 2431010088 का मेडिकल जाँच में टेम्परेरी अनफिट (Temporary Unfit) होने के कारण औपबंधिक रूप से चयन किया गया है। सम्यक इलाज कराने के उपरांत फिटनेस सर्टीफिकेट देने पर उनकी नियुक्ति की जाएगी।"

4. Since, the petitioner was also suffering from one deficiency, namely, CV abnormal, he too should have been placed under the category of temporary unfit, subject to submission of fitness certificate.

5. The learned counsel for the Board submits that the category of medical assessment of petitioner is not the same as that of the candidate, with whom he is claiming parity. The other candidate was declared temporary unfit. Such a declaration is in respect of other specified deficiencies. The petitioner, on the other hand, on account of Colour Vision being abnormal, was declared



unfit. The petitioner’s deficiency was not temporary and, therefore, the claim for parity with the other candidate is untenable.

6. This Court is inclined to accept the submission of the learned counsel for the Board. No grounds have been urged to show that petitioner’s assessment as unfit due to CV abnormal is in any way vitiated. Also there is no allegation of specific *mala fide* against any individual in the procedure prescribed for selection as well as the Medical Test has been followed.

7. There is no occasion for this Court to interfere with the selection or to issue any direction in favour of the petitioner.

8. The writ petition is dismissed.

(Madhuresh Prasad, J)

shyambihari/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	01-10-2022
Transmission Date	N/A

