

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2527 of 2021

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Ranjit Kumar (male) S/o Sri Raj Kumar Ray R/o Village- Harpurnand, P.O.-
Parmanandpur, P.S.- Nayagaon, District- Saran (Bihar) 841101.

... .. Petitioner

Versus

1. The Union of India, through the Ministry of Home Affairs, National Stadium, India Gate, New Delhi- 110001.
2. The Director General, Central Reserve Police Forces, (Recruitment Branch), East Block- 07, Level-4, Sector-01, R. K. Puram, New Delhi- 110066. (Ministry of Home Affairs).
3. Dr. Hem Narayan Singh, Deputy Commandant (Medical), Medical Officer, Board-1, D.M.E. Centre, 56th B.N. SSB, Bathnaha.
4. Mr. Lokesh Kumar Singh, Second-in-Commandant, Presiding Officer, DME Centre, 56th B.N. SSB, Bathnaha.
5. Dr. Vivek Srivastava, CMO (SG) Presiding Officer, RME Board of CT/GD through SSC 2018 Category A and B, C.H. CRPF, Muzaffarpur.
6. Dr. Ashish Shandilya, SMO (Member-1), RME of CT/GD through SSC 2018 Category A and B, C.H. CRPF, Muzaffarpur.
7. Dr. Abhishek MO (Member-2), RME of CT/GD through SSC 2018 Category A and B, C.H. CRPF, Muzaffarpur.
8. Dr. Anita Ambastha (Assistant Professor), Regional Institute of Ophthalmology, Indira Gandhi Institute of Medical Sciences, Sheikhpura, Patna- 800014.

... .. Respondents

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Appearance :

For the Petitioners : Mr. Prakash Kumar, Adv.
For the Respondents : Mr. Manoj Singh CGC
Mr. Awadhesh Kumar Pandey, Adv.

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL JUDGMENT

Date : 22-07-2022

The matter has been taken up for consideration online.

2. Heard learned counsel for the petitioner and learned
Central Government Counsel.

3. The substantial relief, taking into consideration the
Interlocutory Application filed by the petitioner, is that the findings



of the Review Medical Examination Board dated 24-10-2020, declaring the petitioner unfit for recruitment be subjected to a Review by the same Medical Board.

4. The brief factual background is that the petitioner participated in the process of selection for appointment of Constable (General Duty) in the Central Armed Police Forces (for brevity 'CAPFs') as well as the Rifleman in Assam Rifles. The examination was to be conducted through Staff Selection Commission (for brevity 'SCC'). The petitioner, in the process of selection, was subjected to Medical Examination on 05-02-2020, at the 56 Battalion in *Seema Suraksha Bal, Araria* and declared unfit. The petitioner's fitness was found deficient on three grounds being due to bilateral Ptosis, squint and Tachycardia. The petitioner was not satisfied with the Report of the Medical Examination and, therefore, under the relevant provisions in the S.C.C. notification, he filed an appeal against the Medical Examination Report. As per the procedure, the petitioner filed his appeal along with a Report which was obtained from a Government Medical Institution which was to the contrary. The petitioner, as per the Report of the Doctor, who had examined him at the Regional Institute of Ophthalmology in the Indira Gandhi Institute of Medical Sciences, Shekhpura, Patna (for short 'R.I.O.') having considered the fact that the



petitioner was declared unfit on three grounds has issued a Medical Fitness Certificate stating that there is no evidence of Ptosis and squint and, therefore, the petitioner was subjected to Review Medical Board. The Review Medical Board has, again, found the petitioner to be unfit. However, this time only on one ground, being squint. The Report of the Review Medical Board is dated 24-10-2020 (Annexure-11). The petitioner, thereafter, has again gone back to the R.I.O. from where he has obtained his Certificate for filing appeal, which subsequent to the Review Medical Board on 10-11-2020, has certified that petitioner was not suffering from squint. It is, in these circumstances, that he has moved this Court seeking relief of reconsideration by the Review Medical Board as it is his submission that the R.I.O. has reiterated its earlier finding that the petitioner was not suffering with squint and, therefore, at least one more opportunity should be given to the petitioner. The submissions are required to be considered with reference to the relevant provisions applicable to candidates appearing in the process of selection.

5. The Union of India has placed on record its counter affidavit. The specific stand is that the process does not provide for any appeal against the Review Medical Board. There is no second appeal provided in the procedure prescribed and decision of the



Review Medical Board is final and determining factor insofar as the fitness of a candidate is concerned for the process of selection. The Union of India has placed reliance on various decisions of this court and other Courts to submit that this Court should prefer findings of the Review Medical Board. Moreso, since there is no allegation of any bias or *mala fide* against any member of the Review Medical Board. The conclusions of the Review Medical Board comprising of experts may not be interfered with because the petitioner has come forward with a Report in his favour, issued by a Civil Doctor, contrary to the findings of the Review Medical Board.

6. Considering the rival submissions, this Court would observe that from the pleadings on record, it is obvious that the petitioner has not alleged any bias or *mala fide* against any person in the process of selection or Medical Board/Review Medical Board. The findings of the Review Medical Board is after examination of the petitioner by a Board comprising of three persons. The examination is as per the procedure prescribed for the process of selection. This process is uniformly applied to all candidates. It is, in this circumstance, that this Court would hold that the petitioner cannot claim any right to further Review; or thereafter, till such time, the Board's opinion is favourable to the



petitioner. The issue in the process of selection must be given a finality. After having been granted due opportunity in terms of the Rule, it is not open to the petitioner to contend that another Review be allowed in his case. Allowing such a Review, in fact, would be contrary to the procedure prescribed. This Court would, therefore, refuse to allow the prayer in the instant writ application for the reasons indicated above.

7. The writ application is dismissed.

(Madhuresh Prasad, J)

shyambihari/-

AFR/NAFR	NAFR
CAV DATE	N/A
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