

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3112 of 2020

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Bhusan Kumar, son of Ganga Paswan, resident of Village- Dhamsang, Police Station- Rahui, P.O.- Bhagan bigha, District- Nalanda, PIN Code- 803118 (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary Bihar.
2. The Principal Secretary, Department of Environment, Forest and Climate Changes, Sichai Bhavan, Patna- 15.
3. The Chairman, Central Selection Board (Constable Recruitment), Bihar, Patna Sadar Patel Bhavan, 6th Floor Block / 626, Jawaharlal Nehru Marg, patna- 800023.
4. The Deputy Inspector General of Police, Bihar, Patna Sadar Patel Bhavan, 6th Floor Block/626, Jawaharlal Nehru Marg, Patna- 800023.
5. Regional Chief Forest Conservator of Forest, Patna, Head Quarter, Sichai Bhavan, Patna-15.
6. Additional Chief Secretary (Home Department), Govt. of Bihar, Old Secretariat, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Pankaj, Advocate
For the State	:	Mr.Raghwanand, GA-11
		Mr. Utpalkant, AC to GA-11
For C.S.B.	:	Mr. Sanjay Pandey, Advocate
		Mr. Binod Kumar Mishra, Advocate
		Mr. Vivek Anand Amritesh, Advocate

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 07-12-2023 Heard learned counsel for the petitioner, learned counsel for the State and learned counsel for the Central Selection Board (Constable Recruitment), Bihar.

2. The present writ petition has been filed for directing the authorities to consider the case of the petitioner treating him as medically fit in the light of the certificate given



by Vardhwan Institute of Medical Science, Pawapuri, Nalanda, Government of Bihar whereby the Ortho doctor Ranjeet Singh in his report dated 11.12.2019 found that the petitioner does not have “knock knee” for the post of constable (Forest Guard).

3. Learned counsel for the petitioner submits that the petitioner had participated in the process of selection by virtue of Advertisement No.01/2019 dated 01.01.2019 of Environment, Forest and Climate Change, Government of Bihar (Annexure-1). On being declared successful, the petitioner was called for PET (Physical Eligibility Test) under the SC category, but in the medical test, he was declared unfit on the ground of ‘knock knee’. Subsequently, the petitioner approached the government hospital, namely, VIMS, Pawapuri, Nalanda Hospital, Govt of Bihar where the Ortho OPD doctor gave him a positive remark and assigned reason in his report dated 1.12.2019 to the effect that the petitioner has no problem of ‘knock knee’. Thereafter, the petitioner filed representation to the authority concerned for consideration of his case, but his representation has not been considered till date.

4. On the contrary, learned counsel for the Central Selection Board has drawn the attention of this Court to Clause 10 of Advertisement No. 01/2019, annexed as Annexure-B to



the counter affidavit which stipulates that prior to appointment, a medical test shall be conducted by a committee and the said committee found the petitioner unfit in the medical test on the ground of 'knock knee'. Learned counsel further submits that in a similar type of situation, this Hon'ble Court has rejected the claim of some of the petitioners who were found unfit in the said medical test vide order dated 21.01.2020, passed in CWJC No. 24403 of 2019, titled as Aram Sagar Sah & Ors. Vs. the State of Bihar & Ors).

5. Upon going through the pleadings, the only question which has to be taken into consideration is the medical committee made for the purpose of selection has found the petitioner unfit in the medical test on the ground of 'knock knee' whereas the doctor of VIMS, Pawapuri, Nalanda Hospital, Govt of Bihar found the petitioner fit and those certificates have been produced before this Court. It transpires to this Court that the report of the petitioner in the selection process has been made by a committee constituted specially for the purpose of selection and the VIMS, Pawapuri, Nalanda Hospital, Govt of Bihar is on the approach of the petitioner in which one doctor has given his opinion. Every candidate has to pass the said medical board and after crossing the said test of the medical board the other



persons are selected, this Court is of the view that the finding of the Committee shall always prevail upon a finding of an individual.

6. In view of the aforesaid finding, this Court finds no merit in the writ petition. Accordingly, it is dismissed.

(Dr. Anshuman, J)

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