

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16985 of 2014

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Mukesh Kumar son of Dinesh Mistry, resident of village- Vishnupur, PO-
Ranipur, PS-Islampur, District- Nalanda, Bihar-801301

... .. Petitioner/s

Versus

1. The Union Of India through the Secretary, Ministry of Home Affairs
New Delhi.
2. The Secretary, Ministry of Home Affairs New Delhi.
3. The Director General, Government of India, Ministry of Home Affairs,
Sashastra Seema Bal (SSB), Force Head Quarters, East Block-V, R.K. Puram,
New Delhi-110066.
4. The Commandant (Medical), 12 Bn, SSB, Kishanganj, (Bihar) 855107.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Digvijay Narayan Singh, Advocate
For the UOI : Mr. Sujeet Kumar Sinha, CGC

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT

Date : 26-07-2023

1. The present writ petition has been filed
seeking the following reliefs:-

*“ (i)To quash the medical
report dated 29.01.2014 of Medical
officer Dr. Partha Mitra of SSB
declaring Petitioner unfit for post of
constable (GD) due to stammering
and further to quash letter No. P F/Dr.
P. Moitra/ 17th BN/2014/8488 dated
17/06/2014 addressed to
commandant of the Battalion (Head of
Office) by the Medical Officer, on the
basis of facts presented herein.*

ii) To declare the Petitioner as



medically fit to join the job in SSB based on the negation of his stammering by report dated 03.12.2014 of Dr. Ajay Kumar (MD), CMO, Department of Health, Bihar.

iii) To constitute an Independent medical board to examine the petitioner in connection with the appointment against the post of Constable (G.D.) in Sashastra Seema Bal (SSB)."

2. The learned counsel for the respondent-State has referred to the counter affidavit filed in the present case to submit that the medical examination test was conducted at 12th Bn SSB Kishanganj with effect from 06.01.2014 to 29.01.2014 in which only 856 male candidates had appeared for the medical test. The petitioner had also appeared before the Medical Examination Test Board No.1, which had examined him properly as per the guidelines and the standard operating procedure and it was found that the petitioner was suffering from 'stammering', hence he was declared unfit for the post of constable (General



Duty) in CAPFs. The petitioner had then filed an appeal and had requested for review medical examination, which was conducted by three doctors on 15.03.2014 and they had also found him to be “stammering”, hence he was again declared unfit for the post of constable (General Duty). Thus it is submitted that since the petitioner has been declared unfit by the medical examination board and the review medical examination board, he has got no case at all, thus the present writ petition be dismissed.

3. This Court finds that the aforesaid facts have not been controverted by the petitioner inasmuch as no rejoinder affidavit has been filed.

4. Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel appearing for the respondents, this Court finds that since the petitioner has been declared unfit by the medical examination board and the review medical examination board, the petitioner cannot be appointed on the post of constable (General Duty)



in CAPFs.

5. In view of the aforesaid, this Court does not find any merit in the present writ petition, hence the same stands dismissed.

(Mohit Kumar Shah, J)

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AFR/NAFR	AFR
CAV DATE	NA
Uploading Date	18.08.2023
Transmission Date	NA

