

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.897 of 2023

Vipul Sharma, male, aged about 26 years, son of Rajeshwar Sharma, resident of Ward No. 14, Gopalpur, Bhathwa Bazar, P.S. Gopalpur, District – Gopalganj.

... .. Petitioner

Versus

1. The State of Bihar through the Chief Secretary of Bihar.
2. The Director General of Police, Bihar, Patna.
3. The Deputy Director of Police, Bihar, Patna.
4. The Inspector General of Saran at Gopalganj.
5. The Superintendent of Police, Gopalganj.
6. The District Magistrate, Saran, Gopalganj.
7. The Secretary, Kenderiya Chayan Parishad, Patna, Bihar.

... .. Respondents

Appearance :

For the Petitioner/s	:	Mr.Binoy Kumar Sinha 1, Advocate
For the Respondent/s	:	Mr.Dhurendra Kumar, AC to GP 5
For the CSBC	:	Mr.Sanjay Pandey, Advocate
		Mr.Binod Kumar Mishra, Advocate
		Mr.Vivek Anand Amritesh, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 21-04-2023 A counter affidavit has been served upon learned counsel for the petitioner today.

Heard learned counsel for the petitioner and learned counsel for the respondents.

Petitioner, in the present case, is seeking a direction commanding the respondents to appoint him as Forest Guard (Constable). It is the case of the petitioner that he has been wrongly declared unfit by the medical board of the respondents vide Annexure ‘1’ to the writ application.

Learned counsel for the petitioner submits that the petitioner has been examined by the famous doctors of



Darbhanga Medical College on 05.05.2022 and they did not find any disease in form of an eye problem and according to them the petitioner is medically fit.

Learned counsel submits that the candidature of the petitioner has been wrongly rejected by the medical board of the respondents.

Learned counsel for the respondents, however, submits that the petitioner is looking for his appointment on the post of Forest Guard. He has been examined by the medical officer and then medical board has also examined him which would be evident from Annexure '1'. It is submitted that the medical board consists of expert doctors and if they have declared the petitioner unfit, this Court sitting in its writ jurisdiction may not substitute its opinion in place of the medical board.

This Court finds substance in the submission of learned counsel for the respondents. At this stage, learned counsel for the petitioner relies upon a recent order of this Court passed in C.W.J.C. No. 891/2023. In the said case, there was no submission of the respondents that the medical board has already examined the petitioner, therefore, this Court had granted liberty to the petitioner to file an appeal to the medical



board. In the present case, however from Annexure '1' itself it is evident that the medical board has already examined the petitioner. In such circumstance, this Court would not exercise it's extraordinary writ jurisdiction as the court is not sitting in appeal over the decision of the medical board.

This Writ Application is dismissed.

(Rajeev Ranjan Prasad, J.)

Rajeev/-

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