

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.891 of 2023

Nitin Chandra S/o Kallash Prasad, resident of Village Semeria, P.O. and P.S. Rivilganj, District Saran (Chapra), Bihar. 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 Chapra.
5. The Superintendent of Police, Chapra.
6. The District Magistrate, Saran, Chapra.
7. The Secretary, Kendriya Chayan Parishad, Patna.

... .. Respondents

Appearance :

For the Petitioner	:	Mr. Binoy Kumar Sinha, Advocate
For the State	:	Mr. Md. Irshad, AC to SC-1
For 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 18-04-2023

Heard learned counsel for the petitioner, learned counsel for the Central Selection Board of Constable and learned counsel for the State.

The petitioner in the present case is seeking a direction to the respondents to appoint him on the post of Forest Guard (Constable). It is submitted that he has been examined by the Doctors of Darbhanga Medical College on 05.08.2022 and the famous eye Doctors have found no disease in the eyes of the petitioner. His grievance is that the Kendriya Chayan Parishad Doctor has wrongly declared him medically unfit vide Annexure '1' to the writ application.

Learned counsel for the State has pointed out that on a bare perusal of Annexure '1', it would appear that the petitioner



has a right to appeal before the Medical Board through the Departmental Head (Prospective) of the applicant. It is submitted that if the petitioner has not applied for his remedy in these matters which fall in the domain of an expert, therefore, this Court may be slow in interfering with the order as contained in Annexure ‘1’ to the writ application.

This Court agrees with the submissions made on behalf of the State. Annexure ‘1’ to the writ application is the medical certificate issued by a Gazetted Medical Officer. According to Annexure ‘1’, the petitioner is unfit but this very Annexure provides remedy to the petitioner.

In the opinion of this Court, the petitioner, if so advised, may seek his remedy by filing an appeal to the Medical Board through the Departmental Head (Prospective) of the applicant. If any such appeal is preferred within a period of 30 days from today, the same shall be considered by the competent Medical Board and an appropriate decision shall be communicated to the petitioner within 30 days from the date of submission of the appeal.

This writ application stands disposed of.

(Rajeev Ranjan Prasad, J)

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